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**New South Wales Legislative Council  
1824-1856**

**The Select Committees**

**Compiled by R F Doust**

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# The Select Committees of the New South Wales Legislative Council 1824-1856

*The Select Committees* is a work which identifies and describes the many committees of inquiry appointed by the first Legislative Council of the Colony of New South Wales in the first half of the nineteenth century.

From the arrival of the first fleet bringing convicts to the Colony of New South Wales in 1788, supreme power was vested until 1824 in the Governor, acting in accordance with instructions from the Imperial Government in London. The first Legislative Council of New South Wales, appointed by His Majesty to advise the Governor, and consisting of five officials employed by the Crown, met for the first time on 24 August 1824. It had as a primary role the scrutiny of legislative measures proposed by the Governor. The Council was reconstituted in December 1825 with four government officials and three non-official members, and again in July 1829 with the Governor, seven government officials and seven non-officials, all appointed by the Crown. By 1843 the Council had 36 members, 12 nominated by the Crown and 24 elected by the wealthier inhabitants of the Colony. In 1851 the number was increased to 54, 36 elected and 18 nominated members. “Responsible government”, a bicameral Parliament consisting of a lower house called the Legislative Assembly, elected on the same limited franchise as the old Legislative Council, and a new Legislative Council, was introduced in 1856. The electoral divisions for the Assembly still represented interests rather than population and favoured the wealthy squatters; the members of the Council were all appointed by the Governor.

The long-awaited bicameral Parliament was opened on 22 May 1856. It was, of course, inevitable, that a number of matters which had concerned the 1855 Council in its last days could not be reported on until the new Parliament was in session. An example is the request of the (then still extant) first Council, on 13 December 1855, for “A Return describing the Contents of the Receiving Room Iron Chest, in the Colonial Treasury...” That Return was made to a Board of Inquiry, appointed by the Governor General, which was not able to report until the following year, 1856, (and to the new Legislative Assembly, not to the new Legislative Council).

As for the relationship between the first Council and the Legislative Council of 1856, David Clune and Gareth Griffith write in *Decision and Deliberation* (Sydney, Federation Press, 2005) “The post-1856 Council, constituted as an Upper House in a parliamentary system founded on responsible government, is legally distinct from its pre-1856 namesake. What they share is a name and an evolving, if not common, legal identity. The institutional successor to the pre-1856 Legislative Council is the supreme authority that replaced it—the NSW Parliament itself. Symbolically, it was the Assembly that inherited the old Council building. It was also the Assembly that seamlessly assumed many of the practices and traditions of the old pre-1856 Council, while the Upper House was starting anew in its role as a House of safeguard and review.”

For further information on the first Legislative Council and its successors see *New South Wales. Parliament: The Legislative Council of New South Wales* [Sydney. Government Printer.

[1972?]; for a more extended account see C H Currey, *The Legislative Council of New South Wales, 1843-1943*, in *Journal of the Royal Australian Historical Society* vol. 29 part 6, 1943.

Although major reports of Committees and the Minutes of Evidence taken before them were ordered to be printed (and most survive), in many instances there is no printed report (and probably never was). Where a Report, often with Minutes of Evidence, was printed the entry in *The Select Committees* indicates where it may be found. Users should be aware that in some of the volumes in some (but by no means all) of the various sets of the printed consolidated volumes of the Votes and Proceedings from 1837-1855 in libraries in Australia, page numbers have been added by hand. However, in the present work the entries use the convention '1849/4', where 1849 is the year of the Session, and '4' is the sitting day according to its sequential numbering, or when there were two Sessions in a year '1851(2)/21' where '1851' is the year of the Session, '(2)' the second Session of the year and '21' the sitting day. Should it be thought that the Index might have been more useful had it included page numbers, it should be noted that the printed volumes were put together by the binder in a prescribed order (printed at the beginning of the volume), but the page numbers were never printed: some volumes have page numbers written in by hand, many others do not. That there must have been a master set with hand numbered pages is obvious, since the volumes for later years have printed indexes with page numbers (often with somewhat curious subject terminology); but unless a volume does have hand written-in page numbers this is of very limited use. If there is a printed index at the beginning of the volume and if the pagination happens to have been inserted, the user is in luck. If, not the approximate location ('X appears after A and before C') will help to find the item, but bear in mind that the order in which Committee Reports and Minutes of Evidence, and other papers ordered to be printed such as correspondence, despatches, returns, petitions etc are bound after printing is certainly not alphabetical and often not apparently either logical or chronological.

*The Select Committees* identifies each Committee by reference to the sitting day when it was appointed, and endeavours, where necessary, to explain the background to the matter. The terms of reference of each Committee; the membership of the Committee; the witnesses heard in evidence, and where known, their place in the local society and the relevance of their expertise as recorded in the Minutes of Evidence, are given. The conclusions reached by each Committee as shown in its Report are summarized, as is the action then taken by the Council if known. Again, caution should be exercised: the mere fact that a Committee Report was endorsed by the Council does not necessarily mean that the proposed action actually happened. [For an example of this see 1855/24, *Report on the Management of the Botanic Gardens*, where the Governor General declined to take the advice of the Council.]

Users of this work should note that on a number of occasions the Council decided that instead of referring a matter to a Committee, it resolved to consider it sitting as a Committee of the Whole House. This could ensure (at least in theory) a quicker resolution. When the Council sat in Committee the normal rules of debate did not apply: for instance, a member could be heard more than once in a debate. No Reports of the Committees of the Whole were printed since all Members were (or should have been) present and therefore did not need to have a printed record of what a Select Committee had already considered, nor on the whole were there witnesses, or if there were they were heard at the Bar of the House by all Members present.

This work covers only the period from the first Council in 1824 up to its end in 1856. From 1856 onwards the Committees of the New South Wales Parliament are noted in Dietrich Borchardt's Checklist (*Borchardt, D H. Checklist of Royal Commissions, Select Committees of Parliament and Boards of Inquiry Part IV New South Wales*. Melbourne, La Trobe University, 1975). Lists of Committees since 1999 of both Houses of the New South Wales Parliament are on the Parliament's website, and for at least some of them the actual Reports can be downloaded.

I should add that although all reasonable care has been exercised in the compilation of *The Select Committees* I am all too well aware that there may be errors, for which I take responsibility. My occasional comments about the Committees are mine alone, and users of the work are urged to go back to the original documents as may seem desirable. A particularly observant user may notice some changes in style which inevitably arose from the fact that the entire work was done over about seven years. Access to the *Votes and Proceedings of the Legislative Council* from its inception in 1824 to the end of that first Council in 1856 has now been greatly facilitated by the online publication by the Parliament (on its web-site) of scanned copies in PDF format. By their very nature the PDF files are slow to load, and cannot be copied or searched. However I should draw particular attention to the fact that for the most part these online PDF files do *not* include the volumes containing the actual Reports of Committees and the Minutes of Evidence examined by Committees. The microfilmed copies of the *Votes and Proceedings*, available in the National Library of Australia, the State Library of New South Wales, and some other State and University libraries, do, however, include the complete Reports and Evidence of the Select Committees and copies may be made from them. Although the Committee Reports are of course among the most valuable documents for much historical research, no doubt the historian of parliamentary practice will need the actual Proceedings of each day's business, sometimes very revealing of the tensions between Members.

In this work the entries for the Committees, direct quotations from the original are always shown by double inverted commas (“ ”). Editorial omissions from direct quotations from the original are marked by three full stops or periods (...). Editorial explanatory phrases inserted into direct quotations to preserve the sense are enclosed in square brackets ([ ]). Spelling is as in the original, with a sparing use of ‘*sic*’ if the spelling in the original is particularly unusual, or just plain wrong. The intent is always to retain the 19<sup>th</sup> century flavour of the original. The spelling both of proper names and of other English words is generally given as in the record. For the sake of consistency "Macleay" (as in "Alexander Macleay, *Colonial Secretary*") is given as such: the *Votes and Proceedings* have several variants, while the *Australian Dictionary of Biography* prefers "McLeay" . Similarly, "Macarthur" is preferred rather than "McArthur" or "M'Arthur" (all can be found in the *Votes and Proceedings*). It is rare for there to be similar inconsistencies with other surnames.

Nineteenth century spelling generally is preserved ("shewn" rather than "shown" etc.) as is the sometimes rather irritating habit of capitalizing every apparently significant word. The full names of individual persons are used even if the original does not have them, especially when the names of Committee members appear (William Charles Wentworth, *not* W C Wentworth, Robert Campbell, *not* Mr Campbell) but salutations such as Mr, Dr, Captain etc are generally not shown (William Dumaresq, *not* Captain Dumaresq), except for clergymen (*Revd* etc). The names of Chairmen of Select Committees are the names, with very rare exceptions, first in the list of Committee Members in each entry. The Committee Reports as printed always show the name of the Chairman.

The Index contains entries for individuals, organizations, and subjects (in general, keywords in the Committee titles) in one alphabetical order. Individual names are usually of Committee members, or witnesses who gave evidence before the Committees. The names of successive Governors are not given, since they never sat on Committees. Some entries for individuals include brief descriptions of who or what they were—e.g., ‘Bolster, William *mason and builder*’. Most of these entries date from the compilation of the later parts of the work, and should not be taken to be complete for any one individual since titles and or occupations varied from time to time. It has been impractical to add such descriptions retrospectively. For further information on the Index, see the note at the head of the Index.

The whole of the work was done in the National Library of Australia, Canberra, using the set of bound volumes held by the Library (with the exception of those for 1840 and 1841 which were kindly lent for the purpose by the State Library of New South Wales). I would like to acknowledge the support of my wife, Dr Janet Lyndall Doust, Dr Gareth Griffith, Manager, Research in the NSW Parliamentary Library, my fellow advanced researchers working in the Petherick Room of the National Library, and of course the staff of the Library.

***Russell Doust***  
***November 2011***

## Session of 1825

### 1825/30 COMMITTEE TO REPORT ON AND OVERSEE THE FEMALE FACTORY AT PARRAMATTA

*Background* On 31 May 1825 the Governor (Sir Thomas Brisbane) tabled in the Council Despatch No. 45 of 21 November 1824 from the Secretary of State for the Colonies, Lord Bathurst, which directed that the Female Factory (or women's prison) at Parramatta, and the convict boys then housed with the men in the Carters' Barracks, should "be placed under the immediate protection" of the Governor and Council. A Committee was appointed to consider and report on Lord Bathurst's letter.

*Members of the Committee* The Archdeacon (Thomas Hobbes Scott); The Colonial Secretary (Frederick Goulburn); The Principal Surgeon (James Bowman).

*Report of the Committee* On 21 June 1825/34 the Committee reported "great irregularities [at the Factory] in the receipt and issue of bread; no conveniences necessary for a Hospital, for the receipt and delivery of provisions, or for the classification of prisoners". It recommended that notification be given in the *Sydney Gazette* and the *Australian* that the Factory was now under the control of the Governor and Council. Magistrates would continue to commit prisoners to the Factory, but assignments of prisoners would be only by order of the Governor and Council following proper application. The Committee reported that having considered the plans for the building then under construction for the accommodation of 60 inmates, it proposed alterations to the building, and to rules and regulations. On 9 August 1825/39 the Committee reported further on the building plans; on the classification of female prisoners; on the convict boys, who should be separated from the Carters in the Carters' Barracks; and recommended that arrangements be made for the convict boys to be taught a trade. On 1 September 1825/44 the Committee reported that a Master Carpenter and Joiner had been engaged to instruct the boys in that trade. On 18 October 1825/53 it recommended the installation in the Factory of a treadmill for raising water: since this treadmill was already in existence at the Carters' Barracks it may have been transferred to the Factory, where it was to be both a place of punishment as well as a convenience to the inmates. It is unclear whether the Committee continued its oversight of the Factory after that date.

## Session of 1827

### 1827/8 COMMITTEE TO DRAFT RULES AND ORDERS FOR THE CONDUCT OF BUSINESS IN THE LEGISLATIVE COUNCIL

*Background* While it is not entirely true that the Council, first under Governor Brisbane (1821-1825) and then under Governor Darling (1825-1831) made up its own rules as it went along, it was not until Darling appointed a new Council under Royal Warrant on 24 December 1827 that the question of a precise statement of the way in which the business of the Council should be conducted was raised. Darling, in a formal Message to the Council on that day, said "It being desirable that some precise Rules should be established for the proceedings of the Legislative Council, in order to avoid the

inconvenience which might arise from the want of specific regulations on this head, His Excellency the Governor begs to recommend the subject to the consideration of the Council". The Council at the same sitting as it had received the Governor's Message, resolved that it "should proceed to the election of three of its own Members, who should form a Committee for the purpose of preparing a Draft of Rules and Orders for the conduct and dispatch of business in the Council, and that the said Draft, when prepared, should be laid before the Council for its consideration, and the adoption of such further measures as may be directed thereupon".

*Members of the Committee* Colonel Patrick Lindesay; The Archdeacon (Thomas Hobbes Scott); Robert Campbell, snr.

*Report of the Committee* On 31 December 1827 the Council unanimously approved the Draft and adopted the Rules and Orders which were then laid before the Governor. The Minutes of Proceedings for that date do not print these Rules: the earliest printing found is at the commencement of the 1832 volume where the Rules relating to Bills, Discussion, The Clerk, Sub-Committees, Petitions adopted on 26 April 1830, Private Bills adopted 2 August 1832, and Protests adopted 4 June 1835 are all printed. For a later Committee with a similar task *see below* 1829/1 Committee for framing Rules and Standing Orders for the Proceedings of Council. The Rules were altered or updated as needed from time to time, or new Rules made. The Rules were sometimes bound up in the consolidated volumes of the Minutes or Votes and Proceedings: for example, the 1843 volume in the National Library of Australia has the current Rules at the beginning.

## Session of 1828

### 1828/1 COMMITTEE TO COLLATE TRANSCRIBED COPIES OF LAWS AND ORDINANCES

*Background* By March 1828 there had been over three years of lawmaking by the Governor and Council, and for the whole of the period from 1788 there were various Ordinances which had been made by the Governor and which had the force of law. It is presumed that at this time the official copies were kept centrally, probably at Government House or perhaps at the Supreme Court, but by 1828 it had become necessary for there to be fair and accurate copies of all these readily available for legal use. The Council therefore on 19 March 1828 "Ordered, That a fair transcript of all the Laws and Ordinances which have been enacted by the Governor of this Colony, with the advice of the Legislative Council, be made on Parchment, and afterwards to be carefully collated\* by two Members of the Council, preparatory to a suggestion being made to His Excellency the Governor of the propriety of causing a Law or Ordinance to be laid before the Council for the purpose of giving such collated copies the legal force and effect of the original Laws and Ordinances".

[\* *Collate*. To compare a copy of a legal document with the original, and duly verify its correctness". OED]

*Members of the Committee* Colonel Patrick Lindesay; The Archdeacon (Thomas Hobbes Scott).

*Report of the Committee* It is presumed that the collated copies were placed with the originals but there appears to be no record of this, nor, apparently, were they printed.

When Thomas Callaghan published his '[Consolidated] Acts and Ordinances of the Governor & Council of New South Wales' in 1844 he commented that "the only complete publications of our Statute Laws (for the very useful work of Mr Ross Donnelly is an abridgment) have, as far as I know, been made without any revision by professional men".

## Session of 1829

### 1829/1            **COMMITTEE FOR FRAMING RULES AND STANDING ORDERS FOR THE PROCEEDINGS OF COUNCIL**

*Background* In Despatch No. 17 of 31 July 1828 the Secretary of State for the Colonies, Sir George Murray, set down five Rules for the conduct of Council business and a direction that the Governor should attend all meetings of the Council: He went on to state that "Whatever subordinate Rules may be thought wise for the better conduct of business in the Council will be established by the Resolutions of that Body as occasion may arise". The Governor (Sir Ralph Darling) laid the above Despatch before the Council on the first sitting day of the 1829 Session, 21 August 1829/1 and proposed the appointment of a Committee to frame Rules and Standing Orders.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); Robert Campbell; Richard Jones.

*Report of the Committee* The Committee reported on 25 August 1829/2 and the proposed Rules and Orders were unanimously adopted. For a note on the printing of the Rules *see* above 1827/8 Committee to Draft Rules.

### 1829/4            **COMMITTEE ON THE RECOVERY OF CROWN LANDS BILL**

*Background* On 25 August 1829/2 the Governor (Sir Ralph Darling) laid before the Council a Bill for *An Act for the more effectual recovery of Crown Lands permitted to be occupied by private individuals*. Upon the second reading of the Bill on 3 September 1829/4 a Committee to prepare an amended Bill was appointed.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); Richard Jones.

*Report of the Committee* On 7 September 1829/5 the Chief Justice as Chairman brought up the Report of the Committee. In the third clause "thirty days" was substituted for "twenty days". A clause was added "vesting in the Trustees for Clergy and School Lands the same summary remedies, in the resumption of their Lands, as are afforded to the Crown by the present Bill" and the word "resumption" was substituted for "recovery" in the title of the Bill. The Bill as amended was then approved for presentation to the Governor, and was *passed* on 29 September 1829/13.

## **1829/5 COMMITTEE TO CONSIDER ORDERS AND REGULATIONS TO BE OBSERVED ON RECEIVING PETITIONS**

*Background* The manner in which petitions to the Council were to be received and acted upon had not been formalized. On 7 September 1829/5 the Archdeacon proposed “That a Select Committee of the Council be formed to consider of Orders and Regulations to be observed on receiving Petitions, hearing the Petitioners by themselves, or Counsel, and the examination of Witnesses thereon, and to report progress to the Council”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Archdeacon (Thomas Hobbes Scott); The Colonial Secretary (Alexander Macleay); Robert Campbell; Richard Jones.

*Report of the Committee* Consideration of Petitions relating to the *Slaughtering of Cattle Bill* was deferred until the Report of the Committee to Consider Orders had been received and considered. The Chief Justice brought up the Report on 9 September 1829/6 and the Orders which were proposed by the Committee were approved.

## **1829/8 COMMITTEE ON THE QUARANTINE BILL**

*Background* On 2 September 1829/3 the Governor (Sir Ralph Darling) introduced a *Bill for An Act to subject Vessels arriving in this Colony, in certain cases, to perform Quarantine*. At the second reading of the Bill on 14 September 1829/8 the Council in Committee considered the several clauses of the Bill. A Committee was then appointed with instructions “to prepare a Bill according to the principles which had now been fixed upon, and report the same to the Council as soon as possible”. Later on the same sitting day the committee was “instructed to reserve their Report until the *Customs Bill, An Act to provide for the management and regulation of the Customs in New South Wales* introduced on 25 August 1829/2] be again taken into consideration”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Collector of Customs (Michael Cullen Cotton); Robert Campbell; John Thomas Campbell; The Auditor General (William Lithgow - appointed 19 March 1830/9); Richard Jones (appointed 19 March 1830/9).

*Report of the Committee* If the Committee produced a formal Report, it was not printed in the Minutes of Proceedings. The *Customs Bill* had been *passed* on 19 March 1830/9. The *Quarantine Bill* was finally *passed* on 28 July 1832/35 after referral to another Committee for which *see below* 26 July 1832/35 Committee on Quarantine Bill.

## **1829/10 COMMITTEE ON THE CUSTOMS BILL**

*Background* On 25 August 1829/2 the Governor (Sir Ralph Darling) introduced a *Bill for An Act to provide for the management and regulation of the Customs in New South Wales*. On 16 September 1829/10 Alexander Berry presented a Petition from the Chamber of Commerce and moved the second reading of the Bill. It was then referred to a Committee.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Collector of Customs (Michael Cullen Cotton); Alexander Berry; Richard Jones.

*Report of the Committee* The Committee reported on 15 March 1830/8 that it had examined the provisions of the Bill, had been attended from time to time by deputations “of the merchants connected with the trade of the Colony”, and had prepared amendments to the Bill which were then put before the Governor. The Bill was *passed* on 19 March 1830/9.

## **1829/11 COMMITTEE ON THE SLAUGHTERING BILL**

*Background* On 25 August 1829/2 the Governor (Sir Ralph Darling) introduced a *Bill for An Act to regulate the Slaughtering of Cattle*. On 18 September 1829/11 Alexander Berry presented Petitions on the Bill from John Dixon and Henry Brooks. A Committee was appointed to consider the Bill in the light of the Petitions.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); John Macarthur; Alexander Berry; Edward Charles Close; John Thomas Campbell. "It was then ordered, on the motion of Mr Macarthur, seconded by the Colonial Secretary, that the Sub-Committee be an open one".

*Report of the Committee* The Committee reported on proposed revisions to the Bill on 5 October 1829/15 and the Report was considered by the full Council in Committee. The Council further considered the Bill on 9 October 1829/16 and it was referred to the Governor. The Bill as revised was *passed* on 15 March 1830/8.

## **1829/12 COMMITTEE ON THE JURY BILL**

*Background* On 2 September 1829/3 the Governor (Sir Ralph Darling) introduced a *Bill for An Act for regulating the Trial by Jury of Actions at Law brought in the Supreme Court*. He called to the attention of the Council that “several blanks had been left in the Bill...in respect to the Qualifications of Jurors and their number...” The *Jury Bill* was considered by the Council in Committee on 11 September 1829/7 and again on 15 September/9 and yet again on 16 September 1829/10 when it was referred to 24 September 1829/12 when a Committee was appointed which was instructed to prepare a Bill “on the following general principles: (1) That Juries shall consist of not more than twelve nor less than eight. (2) That the verdict of the Jury shall be unanimous. (3) That the qualifications as to property shall not be less than thirty pounds per annum, or a capital of three hundred pounds. The Committee to consider the best means of ascertaining such qualifications. (4) That the limits from which Juries be liable to be summoned, be circumscribed to twenty miles distance from Sydney, and including Liverpool...(7) That the Committee be instructed to insert a clause directing persons of 'good repute' only to be returned, and allowing rights of challenge for bad repute, or notorious bad character”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Archdeacon (Thomas Hobbes Scott); The Colonial Secretary (Alexander Macleay); John Macarthur; Robert Campbell.

*Report of the Committee* The amended Bill was brought before the Council in Committee on 29 September 1829/13 when further amendments were agreed to, and the Bill, further amended on 30 September 1829/14, was referred to the Governor for approval. The Bill received a formal second reading on 5 October 1829/15 and was passed on 9 October 1829/16. On 18 January 1830/1 the Governor laid before the Council *A Bill to amend and Act for regulating the constitution of Juries for the trial of Civil Issues in the Supreme Court of New South Wales*. This Bill had its second reading on 29 January 1830/3, and was passed on 3 February 1830/4.

## Session of 1830

### 1830/5 COMMITTEE ON THE INSOLVENT DEBTORS BILL

*See also 1830/5 Committee on the Insolvent Debtors Bill; 1832/2 Committee on the Insolvent Debtors Bill; 1838/7 Committee on the Insolvent Debtors Bill and the Imprisonment for Debt Bill; and 1843(2)/65 Committee on the Operation of the Insolvent Act*

*Background* On 18 January 1830/ the Governor (Sir Ralph Darling) introduced *A Bill for the relief of Debtors, and for an equal distribution of their Estates and effects amongst their Creditors in New South Wales and the Dependencies thereof*. The Bill had its second reading on 5 February 1830/5 when a Petition from the Chamber of Commerce was received. A Committee was appointed to consider and report on the Bill.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); Robert Campbell; Richard Jones; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 15 March 1830/8. After considering objections against the Bill, and certain suggestions made by the Merchants and Traders of the Colony, it recommended that certificates should be granted to persons who made a fair disclosure of their effects, and that debtors confined in Gaol who had no prospect of ever being able to pay their debts should be relieved of them. As the Bill was in some respects experimental, a clause was added to limit it to two years operation. The third reading of the Bill was set down for 2 April 1830/11 but on the motion of the Colonial Secretary, seconded by the Collector of Customs, the Bill was withdrawn. "Certain amendments having been proposed, it was ordered that the Standing Rules be suspended, and that it be carried through its several stages at the present meeting...". It was then *passed* unanimously.

### 1830/10 COMMITTEE TO REVISE THE RULES AND ORDERS OF PROCEEDINGS OF THE COUNCIL

*Background* For earlier Committees on the Rules and Orders *see above* 1827/8, 1829/1, 1829/5. On 24 March 1830/10 Hannibal Hawkins Macarthur proposed that in future Bills should not be printed until they had been examined by a Sub-Committee. Following Macarthur's suggestion on 24 March 1830/10, the Council resolved, on the motion of the Chief Justice and the Collector of Customs (Michael Cullen Cotton), that

the Rules and Orders should be revised “particularly with reference to the object of Mr H Macarthur's motion”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); John Blaxland; Edward Charles Close; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 7 April 1830 with various amendments which were agreed to. In the expectation that the new Rules and Orders would take note of Mr Macarthur's proposal, the Council had agreed that the *Licensing Bill* which had been read for the first time on the day the Committee had been appointed should not be printed until the Committee had reported.

### **1830/10 COMMITTEE ON THE PUNISHMENT AND TRANSPORTATION OF OFFENDERS BILL (SUMMARY PUNISHMENT BILL)**

*Background* On 15 March 1830 the Governor (Sir Ralph Darling) introduced *A Bill for the punishment and transportation of offenders in New South Wales*. In subsequent discussion the Bill was referred to as the *Summary Punishment Bill* although it was passed into law under the original title. On the occasion of the second reading of the Bill a Committee was appointed to revise and report on it.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); John Blaxland; Edward Charles Close; Hannibal Hawkins Macarthur.

*Report of the Committee* An amended Bill was brought before the Council on 26 April 1830/18. It was printed, and on 5 May 1830/20 and 6 May 1830/21 was considered by the Council sitting in Committee, and then presented in its amended form to the Governor. The amended Bill, under the original title, was *passed* on 12 May 1830/22.

### **1830/10 COMMITTEE ON THE BILL FOR ABATING THE NUISANCE OF DOGS**

*Background* On 15 March 1830/8 the Governor (Sir Ralph Darling) introduced *A Bill for abating the nuisance occasioned by the great number of Dogs which are loose in the Streets of Sydney, Parramatta, and Windsor, in the Colony of New South Wales*. The Bill had its second reading on 24 March 1830/10 and was referred to a Committee to revise and report on it.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Collector of Customs (Michael Cullen Cotton); The Auditor General (William Lithgow); Richard Jones; Edward Charles Close.

*Report of the Committee* The Committee reported on 7 April 1830/12 with “such alterations and amendments as they considered likely to attain the objects in view”. The amended Bill was referred back to the Governor, and was then *passed* on 14 April 1830/15.

## **1830/11 COMMITTEE ON THE BILL FOR LICENSING PUBLIC HOUSES**

*Background* On 24 March 1830/10 the Governor (Sir Ralph Darling) introduced *A Bill to amend the Laws now in force relative to the Licensing and Regulating of Public Houses; and for the better regulating the granting of Licenses for the sale of Ale, Beer, Wine, Spirits, and other Liquors in New South Wales*. The Bill had its second reading on 2 April 1830/11 and was referred to a Committee which was instructed to revise and report on the Bill.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Auditor General (William Lithgow); Colonel Patrick Lindsay; Richard Jones; Edward Charles Close; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 19 April 1830/16, proposing alterations and additions to the Bill, having “consulted various Acts of the British Parliament...and of the Colonial Legislature of Van Diemen's Land”. In accordance with the newly adopted policy of the Council for which see above 1830/10 Committee to Revise the Rules and Orders, the Bill was then ordered to be printed. The Bill as amended was passed on 12 May 1830/22.

## **1830/16 COMMITTEE ON THE RATES AND DUTIES BILL**

*Background* On 2 April 1830/11 the Governor (Sir Ralph Darling) introduced *A Bill for confirming certain rates and duties heretofore levied and collected in the Colony, and for continuing the like rates and duties until further provision shall be made*. The Bill had its second reading on 19 April 1830/16 and was referred to a Committee to revise and report on it.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Attorney General (Alexander McDuff Baxter); The Auditor General (William Lithgow); John Macarthur; John Blaxland; Edward Charles Close; Hannibal Hawkins Macarthur.

*Report of the Committee* On 21 April 1830/17 “The Committee appointed to revise the *Bill to confirm certain Rates and Duties*, not being prepared with their Report, His Excellency the Governor laid before the Council, the Bill in an amended form...” It was read a third time and passed unanimously.

## **1830/22 COMMITTEE ON THE POWERS OF JUSTICES OF THE PEACE**

*Background* On 6 May 1830/21 the Governor (Sir Ralph Darling) introduced *A Bill to regulate the powers of Justices of the Peace in the Colony of New South Wales*. The Bill had its second reading on 12 May 1830/22 was referred to a Committee to revise and report on it.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Auditor General (William Lithgow); Richard Jones; Hannibal Hawkins Macarthur; The Chief Justice (Francis Forbes, appointed 18 May 1830/23).

*Report of the Committee* The Committee reported on 18 May 1830/23 with amendments to the Bill. It was referred back to the Committee, augmented by the addition of the Chief Justice, with instructions to prepare a Bill embodying the amendments. The revised Bill was *passed* on 20 May 1830/24.

## Session of 1831

### 1831/1 COMMITTEE ON THE JURY BILLS

*Background* On 20 September 1831 the Governor (Sir Ralph Darling) introduced *A Bill to continue for a further period...An Act for regulating the constitution of Juries for the Trial of Civil Issues in the Supreme Court of New South Wales and a later amending Act*. He also introduced *A Bill to extend and apply the form of Trial by Juries to certain crimes and misdemeanors*. At its first reading on 20 September 1831/1 the continuation Bill was referred to a Committee. The second Bill was referred to the same Committee.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Attorney General (Alexander McDuff Baxter); Robert Campbell; Richard Jones; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported progress on 27 September 1831/2, and on 30 September 1831/3 presented the two Bills in a consolidated and amended form, to be re-considered on 14 October 1831/4. At that sitting “it was ordered to be read a second time this day two months”. The Bill then lapsed, the Council having adjourned *sine die* on 8 November 1831. It was not until the first sitting day of the new (1832) session, 19 January 1832/1, that the revised Bill was re-introduced, the second reading being scheduled for 24 January 1832/3; at this sitting various returns relating to juries were requested, and these were tabled on 26 January 1832/4. The Bill had its second reading on 30 January 1832/5, 31 January 1832/6 and 1 February 1832/7, and was *passed* on 3 February 1832/8.

### 1831/1 COMMITTEE ON THE BENEVOLENT SOCIETY BILL

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 20 September 1831/1 the Governor (Sir Ralph Darling) *introduced A Bill to enable the Members of a certain Society in the Colony of New South Wales, denominated The Benevolent Society, to sue and be sued in the name of their Treasurer for the time being, and for other purposes therein mentioned*. This appears to be the first instance of legislation of this kind being introduced. At its first reading the Bill was referred to a Committee.

*Members of the Committee* The Archdeacon (William Grant Broughton); The Attorney General (John Kinchela); Alexander Berry; Richard Jones; John Blaxland.

*Report of the Committee* On 27 September 1831/2 the Archdeacon as Chairman of the Committee reported progress, but on the following sitting day 30 September 1831/3 “the Governor informed the Council that he had withdrawn, for the present, the *Benevolent Society Bill*”. The Bill was re-introduced on 24 July 1832/33, had its second reading on 1 August 1832/38 and again on 7 August 1832/40 when the Secretary of the Society was called in and examined and the Bill amended. It had not been referred to a Committee, and was *passed* on 24 August 1832/51

## Session of 1832

### 1832/1 COMMITTEE ON THE FOREIGN ATTACHMENT BILL

*Background* On 19 January 1832/1 the Governor (Sir Richard Bourke) introduced *A Bill for regulating foreign attachment, and for the better security of Creditors*, the purpose of which was to give creditors access to the finances of debtors who were absent from the Colony. Under English law a creditor could seize in execution of a debt only the goods or person of his debtor “but in the British Colonies, and especially in New South Wales and Van Diemen's Land, the creditor can further attach in the hands of third Persons, or even take in execution, any money owing to the Debtor by them. This is done by a Process called Foreign Attachment” [Enclosure to Despatch No. 29, 12 October 1832, Secretary of State for the Colonies to Governor Bourke]. At its first reading the Bill was referred to a Committee.

*Members of the Committee* The Chief Justice (Francis Forbes); The Attorney General (John Kinchela); Robert Campbell; Alexander Berry; Richard Jones.

*Report of the Committee* The Report of the Committee was brought up by the Chief Justice on 3 February 1832/8: it proposed amendments and the second reading took place on 13 February 1832/12 when it was referred to the Governor. The Bill was *passed* on 15 February 1832/13.

### 1832/2 COMMITTEE ON THE INSOLVENT DEBTORS BILL

*See also* 1830/5 Committee on the *Insolvent Debtors Bill*; 1838/7 Committee on the *Imprisonment for Debt Bill*; and 1843(2)/65 Committee on the Operation of the *Insolvent Debtors Bill*

*Background* The problems of debtors who were unable to pay their debts because of their insolvency, and that of creditors who were unable to recover debts due to them, had been periodically addressed by legislation dating back to the [British] *New South Wales Act* of 1823. The legislation was updated in the Legislative Council from time to time, and on 20 January 1832/2 the Governor (Sir Richard Bourke) introduced *A Bill for the relief of Insolvent Debtors, and for regulating the due collection, administration, and distribution of Insolvent estates within the Colony of New South Wales, and for preventing persons clandestinely leaving the Colony, and for instituting proceedings against absent Debtors, by an attachment of their effects*. At the first reading of the Bill it was referred to the Committee on the *Foreign Attachment Bill* which had been appointed on 19 January 1832/1. On 3 February 1832/8 the Committee was instructed “to communicate with the Deputation of the Chamber of Commerce, touching any Amendments or Alterations which they may have to propose in respect of the said Bill; and that they be allowed to take the same into their consideration preparatory to their making their Report thereon...”

*Members of the Committee* The Chief Justice (Francis Forbes); The Attorney General (John Kinchela); Robert Campbell; Alexander Berry; Richard Jones.

*Report of the Committee* The Committee reported on 15 February 1832/13 with proposed amendments to the Bill. The Bill had its second reading on 24 February 1832/18, 28 February 1832/19 when it was amended, and again on 29 February 1832/20 with further amendments: it was then referred to the Governor. It was *passed* on 6 March 1832/22.

## **1832/10 COMMITTEE ON THE MERCHANT SEAMEN'S BILL**

*Background* On 1 February 1832/7 the Governor (Sir Richard Bourke) introduced *A Bill for the better Regulation and Government of Seamen in the Merchant Service in the Colony of New South Wales, and for the Protection of Masters of Vessels from vexatious Suits in the said Colony, and to prevent Masters of Vessels clandestinely taking any Persons from the said Colony*. On 7 February 1832/10 this *Merchant Seamen's Bill* was referred to the Committee on the *Foreign Attachment* and the *Insolvent Debtors Bills*. As part of its review of the provisions of the Bill, the Committee was “instructed to communicate with a Deputation from the Chamber of Commerce on the subject thereof”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Attorney General (John Kinchela); Robert Campbell; Alexander Berry; Richard Jones.

*Report of the Committee* The Committee reported on 13 February 1832/12 and the Bill was ordered to be printed with the proposed amendments. It had its second reading on 21 February 1832/15 and was amended, and was further amended on 24 February 1832/18. It was *passed* on 2 March 1832/21.

## **1832/14 COMMITTEE ON IMMIGRATION**

*See entry at 1855/76 for later Committees*

*Background* A Despatch (No. 26 dated 28 September 1831) from the Secretary of State for the Colonies to Governor Darling proposed a solution to the problem of the very considerable excess of males over females in the Colony. Female servants from the distressed agricultural counties of England would be sent to New South Wales: the costs were to be met from the monies received from the sale of Crown Lands. A sum of £10,000 was voted for this purpose but only £6,400 was appropriated. A Committee was appointed on 20 February 1832/14 to consider using the remaining £3,600 on mechanics and laborers.

*Members of the Committee* The Archdeacon (William Grant Broughton); John Macarthur; Alexander Berry; Richard Jones; John Blaxland.

*Report of the Committee* The Committee reported on 16 March 1832/25, and the Council sitting in Committee then resolved “that a Sum not exceeding £3,600 be appropriated to defray the Expense of bringing out Mechanics and Labourers from England, under the direction of the Commissioners for Emigration sitting in London”.

## 1832/29 COMMITTEE ON THE SHEEP BILL

*See also 1835/31, 1838/10*

**Background** The presence of the contagious disease known as ‘scab’ or sometimes ‘influenza’ in sheep had long been a problem in the Colony. On 29 February 1832/20 George Forbes, a grazier, had petitioned the Council, “praying that a law may be passed, restricting the owners of scabbed Sheep to grazing them on their respective Estates”. In response, the Governor (Sir Richard Bourke) introduced, on 9 March 1832/23, *A Bill for preventing the extension of the contagious disorder, commonly called the Scab or Mange in Sheep or Lambs, in the Colony of New South Wales*. The Bill was to have had its second reading on 21 March 1832/27 but this was postponed to 22 May 1832. It came under intense scrutiny by a Committee set up under the auspices of the Agricultural and Horticultural Society, which felt that the proposed Bill would be “ruinously severe in its operation” but recommended that a number of measures should be put in place to control the movement and sale of scabby sheep. On 10 July 1832/29 the Governor tabled this document (which is printed in full in the record of the day's proceedings at pp 27-29: it is signed by the President of the Society, Sir John Jamison). The Council referred it to a Committee.

**Members of the Committee** The Auditor General (William Lithgow); Alexander Berry; Richard Jones; John Blaxland; Hannibal Hawkins Macarthur; The Chief Justice (Francis Forbes – appointed 17 August 1832/47).

**Witnesses examined by the Committee** The Committee did not call witnesses in person, but had before it the reports from the Agricultural and Horticultural Society to which were appended the names of those who had been present at the meetings. They were William Cox, of Clarendon; Archibald Bell, of Belmont; *Revd.* J Wilkinson, of Windsor Road; William Cox, jnr., of Richmond; George Cox, of Winbourn; Richard Fitzgerald, of Windsor; Charles Thompson, of Clydesdale Farm; George Bowman, of Richmond; Richard Rouse, of Rouse Hill; George Loader, of Windsor; William Faithful, of Richmond; John Macdonald, of Pitt Town. An additional nine sheep proprietors were not present but subscribed their names to the document.

**Report of the Committee** The Committee reported on 24 July 1832/33 when an amended Bill was presented. The Bill finally had its second reading on 7 August 1832/40 when it was again amended, was considered further considered on 10 August 1832/43 and again on 17 August 1832/47 when it was referred back to the Committee, with the Chief Justice added to its members. The enlarged Committee brought up its report on 21 August 1832/48 and the Bill was amended again by the Council sitting in Committee on 28 August 1832/52. It was passed on 31 August 1832/53. The Report is not available, but it is clear that its representations, together with discussion in the full Council, led to the Act as passed on 31 August/1832/53. It is also apparent that the *Sheep Act* was thought to be highly beneficial, since on 21 October 1834/36 the Governor introduced *A Bill to make perpetual an Act...for preventing the extension of the infectious disease, commonly called the Scab in Sheep or Lambs, in the Colony of New South Wales*; it was passed on 28 October 1834/38. The Act was further amended by an Act passed on 9 October 1835/33. For the Committee appointed to report on this see below 18 September 1835/31.

**1832/32 COMMITTEE ON COMMISSARIAT CLAIMS [including iron pipes for the water supply tunnel]**

*See also 1833/12 and 1837/16 for Committees enquiring into the slow progress of the work on the tunnel*

*Background* The first proposal for a permanent supply of water to the Town of Sydney was made by the Mineral Surveyor, Mr John Busby, on 30 June 1825: this would have used cast iron pipes and was authorised by the Secretary of State on 8 June 1826. Busby then revised his proposal to the excavation of a tunnel which though more expensive would ultimately be cost effective. This work was commenced on 9 June 1827, but by August 1833 it was still incomplete. In the meantime the town was being supplied with water by an above ground stream from the completed part of the tunnel to Hyde Park. Cast iron pipes were requisitioned by the Commissariat from England and water was laid on to the Military and Convict Barracks, the General Hospital, the Gaol, and the King's Wharf. On 19 July 1832/32 the Governor (Sir Richard Bourke) laid before the Council an account from the Commissariat claiming £3,189 10s.10d from the Colonial Treasury in payment for the iron pipes.. The account and the Governor's Minute thereon were referred to a Committee for examination and report.

*Members of the Committee* The Controller of Customs (Burman Lauga); Richard Jones; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 24 July 1832/33 and on 26 July 1832/35, on the motion of the Colonial Secretary, the Council approved the payment. Unusually, the Committee appears to have functioned for a time as a standing committee since it reported, on 27 September 1832/55 on the amount due to the Commissariat for Provisions, Forage, Fuel and Light furnished to Colonial Departments, and for the same, on 2 October 1832/56, furnished to the New South Wales Royal Veteran Companies.

**1832/35 COMMITTEE ON THE QUARANTINE BILL**

*Background* The *Quarantine Bill* had originally been introduced on 2 September 1829/3 for which *see above* 1829/8 Committee on the Quarantine Bill. The Bill was re-introduced under a slightly different title on 26 July 1832/35 as *A Bill for subjecting Vessels coming to New South Wales from certain places, to the performance of Quarantine* and was immediately referred to a Committee.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Controller of Customs (Burman Lauga); Richard Jones; Edward Charles Close.

*Report of the Committee* The Bill had its second reading on 27 July 1832/36 and was amended, perhaps on the advice of the Committee. It was *passed* on 28 July 1832/37.

## 1832/39 COMMITTEE ON THE WOOLLOOMOOLOO ROAD BILL

*Background* On 24 July 1832/33 the Governor (Sir Richard Bourke) introduced *A Bill for making, maintaining, and repairing a private Road, leading from the South Head Road to certain Allotments of Land, situate on, and contiguous to Woolloomooloo Hill, in the Parish of Alexandria, near Sydney, in the Colony of New South Wales*. A fund had been established to keep the road in repair but not all the proprietors whose allotments would benefit from the expenditure had agreed to make a contribution. It is presumed that the intent of the Bill was to require all of them to contribute. At the Bill's second reading on 2 August 1832/39 it was referred to a Committee.

*Members of the Committee* The Archdeacon (William Grant Broughton); The Controller of Customs (Burman Lauga); Richard Jones; Edward Charles Close; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* James Laidley (Treasurer of the Woolloomooloo Road Fund); Edward Hallen; Obadiah West.

*Report of the Committee* The Committee presented its Report on 9 August 1832/42; it was received and ordered to lie upon the Table. The Committee found that there was no foundation for calling the road “private” since it had been “laid out” by Government, and objected to the use of the description “Woolloomooloo Hill”. It found, in evidence, that some of the proprietors declined to make a contribution, and pointed out that there was no precedent for them “to contribute towards an object which has already been accomplished, and to which they have never assented”. The Committee suggested an alternative means of financing the upkeep of the road by an assessment to be made only on those proprietors to whom the road actually gave access. The Bill appears to have lapsed at the end of the 1832 Session. The Report of the Committee and Minutes of Evidence were printed.

## 1832/43 COMMITTEE ON THE ARGYLE STREET COMPANY BILL

*Background* On the western side of Sydney Cove, in the area known as The Rocks, a substantial ridge of rock made the passage from the George Street wharves across to Darling Harbour very difficult. The Argyle Street Company was formed to excavate a ‘cut’, extending Argyle Street westwards, and on its behalf the Governor (Sir Richard Bourke), on 10 August 1832/43, introduced a private *Bill to enable the Proprietors or Shareholders of the Argyle-street Company to sue and be sued in the name of their Chairman for the time being, and to authorise and empower them to levy a Toll on all Persons, Horses, Cattle, and Carriages, passing through the cut or opening about to be formed through the ridge of Rock intersecting the said Street, and for other purposes*. The Bill was referred to a Committee for consideration and report.

*Members of the Committee* The Attorney General (John Kinchela); The Controller of Customs (Burman Lauga); Richard Jones; Edward Charles Close; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* F W Unwin, Solicitor to the Argyle Street Company; The Surveyor General (Major Sir Thomas Livingston Mitchell); The Mineral Surveyor (John Busby).

*Report of the Committee* The Committee reported on 31 August 1832/53 and again on 12 October 1832/60. It believed that a tunnel would be preferable to an open cut, but accepted that this would be more expensive. It therefore recommended that the cut be partly arched over, to enable people to cross from one side of it to the other. It saw no objections to the levying of a toll, but the road should become open to the public without charge after seven years. No record of the passage of the Bill was found, but the Argyle Cut was duly excavated, and remains as such to the present. The Report was printed.

## **1832/54 COMMITTEE ON EXPENSES DEFRAID FROM THE MILITARY CHEST**

*See also 1833/26, 1834/24 for other Committees on the same subject*

*Background* The term Military Chest refers to the funds provided by the British Government for the upkeep of the military establishment in the Colony. Items such as stationery, stores, provisions, fuel and light were supplied to the various Colonial Departments. On 25 September 1832/54 “the Governor laid upon the Table, an Account of Expenses defrayed from the Military Chest, for the service of the several Colonial Departments, for the period from 25 December 1828 to 24 December 1829”. The nature of the expenses is not recorded in the Votes and Proceedings, but we know from the appointment of a similar Committee on 16 July 1833/26 for which *see below* that they were items such as stationery, stores, provisions, forage, fuel and light. The account and accompanying vouchers were referred to a Committee, no doubt in part because the account had not been rendered for over two years.

*Members of the Committee* The Controller of Customs (Burman Lauga); Richard Jones; Archibald Bell.

*Report of the Committee* No report of this Committee was found in the Votes and Proceedings, but as a result of the recommendation of the 1833 Committee (*see below* 1833/26) reimbursement of the accounts for 1827/1828 was made: Whether this was done for the 1828/1829 accounts is unclear, but they were again under review by a Committee appointed on 30 July 1834/24 for which *see below*.

## **1832/55 COMMITTEE ON THE BILL FOR A LOAN TO THE AUSTRALIAN COLLEGE**

*See also 1841/2, 1843(2)29*

*Background* On 8 November 1831/5 the Acting Governor (Colonel Patrick Lindesay) laid before the Council a Minute stating that the Secretary of State for the Colonies “has been pleased to consent to an advance from the Colonial Treasury of a sum not exceeding three thousand five hundred pounds, to the Reverend Dr Lang, in aid of an Academical [sic] Institution [the Australian College] to be formed in Sydney”. The money was to be repaid over five years. On 27 September 1832/55 the Governor *introduced A Bill to authorise the Trustees of the Scots Church, Sydney, to grant a Mortgage to Government on the Buildings now erecting on their Allotment, for the amount of the Loan to be advanced by Government in aid of the*

*establishment of the Australian College; and also to enable the said Trustees to grant a Mortgage on the Scots Church for the money advanced by the Government and private Individuals to complete the Building.* The Bill was referred to a Committee.

*Members of the Committee* The Attorney General (John Kinchela); The Auditor General (William Lithgow); Richard Jones; Alexander Berry; John Blaxland, later relieved of his appointment and replaced by the Collector of Customs (Burman Lauga).

*Report of the Committee* The Committee reported on 12 October 1832/60 and the Bill was passed on 13 October 1832/61. For further developments *see* 1 July 1835/12 for a Memorial from the Council of the College, 15 June 1841/2 for a request by Dr Lang that the mortgages be cancelled, 17 August 1841/15 for the Report of a Committee, and 15 September 1841/22 for the resolution of the Legislative Council on the matter.

### **1832/58 COMMITTEE ON THE BREAKWATER AT NEWCASTLE**

*Background* The breakwater at the entrance to the Hunter River at Newcastle had been poorly constructed and constant repairs were needed. On 9 October 1832/58 “the Governor (Sir Richard Bourke) laid upon the table a proposed Plan for completing the Breakwater at Newcastle”. The plan was referred to a Committee “to examine such persons as they may desire, and to Report the Evidence, and their Opinion to Council”.

*Members of the Committee* The Archdeacon (William Grant Broughton); The Colonial Secretary (Alexander Macleay); John Blaxland; Edward Charles Close; Archibald Bell.

*Report of the Committee* The Committee reported on 11 October 1832/59, and the Council on its advice resolved that a sum not exceeding £500 be appropriated for the purpose.

## Session of 1833

### 1833/12 COMMITTEE ON THE TUNNEL FOR CONVEYING WATER TO SYDNEY

*See also 1832/32 for an earlier Committee and 1837/16 for a later Committee*

*Background* The provision of a permanent water supply for the Town of Sydney had been a matter of concern for some time as the original settlement grew. The Tank Stream which ran through the town to Sydney Cove was becoming increasingly polluted. Some collection and use of rainwater may have occurred, although no evidence of this has been seen by this writer. John Busby had been appointed as Mineral Surveyor with instructions to manage the coal mines, and to provide a water supply to Sydney. On his arrival in 1824 he examined the problem, and in 1825 first proposed supply through cast iron pipes from the Lachlan Swamps; in 1826 he revised this scheme into one which would bring the water mainly by a tunnel, which would have a higher capital cost but which would have lower running costs since pumping would not be necessary. Busby had estimated that the work would be completed in three years. However, progress was much slower, and under some pressure from the Colonial Office, the Legislative Council appointed a Committee on 18 June 1833/12 to “enquire into the mode in which the formation of the Tunnel for conducting water to Sydney, is carried on, and to report the means by which its progress may be accelerated, and the supply of water rendered more generally useful, by leading it to public fountains, to private houses, upon payment of a regulated rate”.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); Alexander Berry; Richard Jones; John Blaxland; Archibald Bell.

*Witnesses examined by the Committee* John Busby (Mineral Surveyor); William Harvie, James Harvie and --Hardie (three free miners recently arrived from Glasgow).

*Report of the Committee* The Committee reported on 28 August 1833/42, to the effect that the work had been satisfactorily done but that unforeseen matters including a substantial deviation from the originally intended line of the tunnel had led to delays, which were exacerbated by the inexperience and to some extent intransigence of the convict workmen. The Committee noted that at times the supply of water (culminating in an open stream to Hyde Park) “was sufficient for the present consumption, and that when the tunnel is completed, it will be most ample”. It was of the opinion that the work would better be completed by contract, but that it seemed unlikely that anyone would tender for it; in consequence the work should proceed as at present. The Scotch miners who had arrived as free settlers should be engaged as overseers, and steps should be taken to see that the convicts worked solely on the tunnel, which had not previously been the case. The reticulation of water to private houses was not recommended, at least until the tunnel was complete; a modest charge should be levied “for all water supplied from the pipes in Hyde Park. This...would, at least, have the effect of preserving the water from unnecessary waste”. The work was completed in 1837: for a report on this *see below* 22 August 1837/16 Committee to Report on the Present State of the Tunnel for conducting Water into Sydney.

## 1833/16 COMMITTEE ON MAGISTRATES' FEES BILL

*Background* On 26 June 1833/16 the Governor introduced *A Bill for appointing the fees taken in the several Courts of Police and Petty Sessions, and the Clerks of Justices acting singly, in the Colony of New South Wales*. The Bill, with the short title *Magistrates Fees Bill* was considered and amended at its second reading on 2 July 1833/18.

*Members of the Committee* The record of Proceedings for 4 July 1833/20 refers to “the Sub-Committee on the Fees Bill”: this is the first mention of a Committee, but the membership of the Committee is not stated. However, the record for 9 July 1833/22 gives the Chief Justice (Francis Forbes), as Chairman, bringing up the Report.

*Report of the Committee* The advice of the Committee is unknown. The Bill was amended by the Council sitting in Committee on 12 July 1833/25, and it was *passed* on 16 July 1833/26.

## 1833/19 COMMITTEE TO ENQUIRE INTO THE ESTABLISHMENT OF CONSTABLES

*See also 1835/1*

*Background* By Government Order of 23 May 1831 the Establishment of Constables throughout the Colony had been reduced. As a result, presumably of concerns as to whether in the intervening two years this had resulted in problems, a Committee was appointed on 3 July 1833/19 “to enquire into the sufficiency of the present Establishment of Constables throughout the Colony, as reduced and constituted by the Government Order...and to report to Council thereon”.

*Members of the Committee* The Attorney General (John Kinchela); Richard Jones; John Blaxland; Hannibal Hawkins Macarthur; Archibald Bell.

*Report of the Committee* The Committee reported on 11 July 1833/24. It was resolved that the Report should lie upon the Table. Its fate is uncertain, but it is not unlikely that it was taken into consideration when the *Police Appropriation Bill*, introduced on 14 August 1833/37, which provided for the license fees for retailing fermented and spirituous liquors to be applied to the expenses of the Police Establishment, was under consideration on 20 August 1833/39.

## 1833/25 COMMITTEE TO EXAMINE A PROPOSAL FOR A QUAY AT THE HEAD OF SYDNEY COVE

*See also 1836/11*

*Background* The increasing quantity of shipping in the Port of Sydney suggested that improved wharf facilities in Sydney Cove might be needed. The proposed quay was first referred to as ‘the semi-circular quay’ but in time was called simply ‘Circular Quay’. On 12 July 1833/25 the Council appointed a Committee “to examine certain plans and reports relating to the construction of a Quay at the Head of Sydney Cove, and to report

upon the practicability of the undertaking, the advantage to be derived from it, and the probable expense”.

*Members of the Committee* The Archdeacon (Thomas Hobbes Scott); The Controller of Customs (Burman Lauga); Robert Campbell; Richard Jones; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* Ambrose Hallen (Colonial Architect); Major T L Mitchell, (Surveyor General); Alexander Berry; George Bunn.

*Report of the Committee* The Archdeacon as Chairman of the Committee brought up a provisional Report, stating that the Committee “have been unable, during the present session, so far to prosecute their enquiries as to be able to come to a final determination upon the subject”. The Committee asked for and was given leave to continue its enquiries during the recess. It appears that the Committee made no firm recommendations. In his Minute on the Estimates of Expenditure for 1835, tabled on 13 June 1834/9, and printed with the Estimates in the record of the day's Proceedings, the Governor observed that “Amongst the contemplated improvements...perhaps, the most important is, the project for surrounding the Head of Sydney Cove with a Circular Wharf, run out into deep water...But it seems to be admitted, that neither this work nor others of a character equally useful, are likely to be executed without the services of a skilful Civil Engineer”. It was proposed to advertise for such a person. *See also below* 1836/11 Committee on the New Government House, the Wharf at the Head of Sydney Cove, and the Gaol at Darlinghurst, 1839/1 and 1840/21 Committee on Land in Macquarie Place, Sydney required for the proposed Circular Quay. The work was not completed until 1854.

## **1833/26 COMMITTEE ON EXPENSES DEFRAID FROM THE MILITARY CHEST**

*See also 1832/54, 1834/24 for other Committees on the same subject*

*Background* The term ‘Military Chest’ refers to the funds provided by the British Government for the upkeep of the military establishment in the Colony. Items such as stationery, stores, provisions, fuel and light were supplied to the various Colonial Departments. On 16 July 1833/26 the Governor tabled accounts “of the expenses defrayed from the Military Chest for [goods and services]...supplied to the several Colonial Departments from 25 December 1827 to 24 December 1828”. A Committee was appointed to examine and report on the accounts.

*Members of the Committee* The Controller of Customs (Burman Lauga); John Blaxland; Archibald Bell.

*Report of the Committee* The Committee reported on 13 August 1833/36 and the Council resolved that “a sum not exceeding £5,940 6s 5d be appropriated out of the balance remaining in the Treasury on 31 December 1831 to repay into the Military Chest” the amount defrayed for the goods and services supplied to the several Colonial Departments in 1827/1828. These and other similar accounts came before the Council again in 1834: for the Committee of that year *see below* 1834/24, when it appears that the

intention was that whole of the amounts owing could be repaid from moneys reserved for this purpose at the end of 1831.

### **1833/35 COMMITTEE ON THE BANK OF AUSTRALIA BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 9 August 1833/35 the Governor (Sir Richard Bourke) introduced *A Bill to enable the Members or Proprietors of a certain Banking Establishment or Society, called The Bank of Australia, carried on in the town of Sydney, to sue and be sued in the names of the chairman for the time-being of the said Bank, and for other purposes*. The Bill was read a first time and referred to a Committee.

*Members of the Committee* The Attorney General (John Kinchela); The Controller of Customs (Burman Lauga); Richard Jones; John Blaxland; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 22 August 1833/41 and the Bill was read a second time. It was *passed* on 28 August 1833/42.

## Session of 1834

### 1834/4 COMMITTEE ON THE INTEREST BILL

*Background* On 24 July 1833/31 the Council had requested the Governor (Sir Richard Bourke) to introduce a Bill “for limiting and fixing the Rate of Interest to be recovered in any Action or suit, at Law, or in Equity...at such Rate (not being higher than eight per cent) as shall be considered just and equitable under the present circumstances”. In response, on 28 August 1833/42 the Governor tabled *A Bill for removing doubts respecting the Rate of Interest which may be recovered in any Action or suit in any Court in this Colony*. In an accompanying Minute the Governor proposed that the Bill “should be printed and remain over for consideration until the meeting of the Council in the next year, because this subject is of great importance both to the landed and commercial interests”. The Bill then came before the Council on 30 May 1834/3 and had its second reading on 4 June 1834/4, at which time the Governor tabled a communication from Mr Justice Burton dated 2 June 1834. Burton said that it was his view that the Bill was repugnant to the Laws of England, and even if this were not so, the Bill would not achieve its presumed object of restraining lenders from charging exorbitant rates of interest (said to be as high as 45 per cent), since the Bill would only apply if a claim for recovery of principal and interest came before the Courts, and would do nothing in instances where interest had been charged for long periods. The Bill and Mr Justice Burton's communication were referred to a Committee.

*Members of the Committee* The Chief Justice (Francis Forbes); The Collector of Customs (Burman Lauga); Richard Jones; Robert Campbell, snr.; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* Alexander Brodie Spark, Director of the Bank of Australia; James Norton, Solicitor and Director of the Bank of Australia; Thomas Walker, Director of the Bank of Australia; Prosper De Mestre, Director of the Bank of New South Wales; W C Wentworth, Barrister and Director of the Bank of New South Wales; William Lithgow, Director of the Bank of New South Wales; Robert Campbell, jnr, Director of the Bank of Australia; William Dawes, Director of the Bank of Australia; Thomas Urmsom Ryder, Director of the Bank of Australia; Robert Wardell, Director of the Bank of New South Wales; John Blaxland, Member of the Legislative Council; J B Montefiore; F W Unwin, Solicitor; Alexander Berry, Member of the Legislative Council; Richard Jones, Member of the Legislative Council and President of the Bank of New South Wales; Hannibal Hawkins Macarthur, Member of the Legislative Council.

*Report of the Committee* The Committee reported progress on 10 June 1834/6 and the Report was brought up before the Council on 12 June 1834/8. The Report and Minutes of Evidence are printed at pp 187-196 of the consolidated volume for 1834. The Committee “examined some of the most respectable and intelligent Inhabitants representing the Monied, Commercial, and Landed interests of the Colony”. The following points were thought to be generally agreed: (1) The application of the [British] statutes against Usury “would be attended with a great degree of present mischief, and would be highly injurious to the future interest and prosperity of the Colony”. (2) That in cases where no Rate of Interest had been agreed upon between the parties, “it would be expedient to fix some rate, by Law, for the guidance of the Courts”. (3) There was a great difference of opinion “as to the expediency of passing a Law for restraining parties from agreeing for any rate of interest on the loan of money, which they might deem

proper, or for preventing the lender from recovering any such rate in a Court of Justice” .  
(4) “All, however, agree that...any restraint upon the rate of interest...should not be enforced by any penal provision, excepting that the lender should not be able to recover more than the legal or established rate of interest in the Courts, leaving the contract between the parties, in all other respects, undisturbed by the Law”. After amendment taking into account the Report of the Committee, the Bill was *passed* on 5 August 1835/25, providing for a rate of eight per cent in all cases which came before the Courts, if the parties had not agreed otherwise. A subsequent Act was passed on 21 December 1844 which provided that no contract could be entered into with an interest rate of more than eight per cent, and if it were, “shall be utterly void”; this later Act was to remain in force for two years.

#### **1834/4 COMMITTEE ON THE MARRIAGE BILL**

*Background* In his Address to the Council on 30 May 1834/3, the Governor (Sir Richard Bourke) observed that “the solemnization of Marriages within the Colony by Ministers of the Church of Scotland, and of the Church of Rome, requires the sanction and regulation of law expressly applicable to the subject”. An Imperial Act of 1818 in respect of such marriages in India had “been found efficient and convenient in operation”, and a Bill based on this would be laid before the Council. The Governor then introduced *A Bill to remove doubts as to the validity of certain Marriages had and solemnized with the Colony of New South Wales*. The Bill was committed on 4 June 1834/4 and was referred to a Committee.

*Members of the Committee* Lieutenant-Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Attorney General (John Kinchela); Alexander Berry; John Blaxland; Archibald Bell.

*Report of the Committee* The Committee reported on 10 June 1834/6 and the Bill was amended. It was read a second time on 17 June 1834/10 and was *passed* on 4 July 1834/16. It should be noted that this Act related only to Roman Catholic and Presbyterian marriages. Wesleyan Methodists had to wait until 1839, and the Congregationalist and Independents, and Baptists until 1840.

#### **1834/9 COMMITTEE ON THE BUSHRANGING BILL**

*Background* As the numbers increased of convicts who had escaped, or who had served their sentences, it had become necessary to pass laws intended to suppress robbery and similar crimes. To this end, the Council had passed on 21 April 1830/17 *An Act to suppress Robbery and Housebreaking, and the harbouring of Robbers and Housebreakers*, with a currency of two years: it was commonly referred to as the *Bushranging Act*. The Act was renewed at the expiry of that term until August 1834. On 13 June 1834/9 the Governor (Sir Richard Bourke) introduced a new *Bill to facilitate the Apprehension of Transported Felons and Offenders illegally at large, and of Persons found with Arms, and suspected to be Robbers*. The Bill was read a first time and referred to a Committee.

*Members of the Committee* The Chief Justice (Francis Forbes); Lieutenant-Colonel Kenneth Snodgrass (Officer Commanding the Forces); John Blaxland; Hannibal Hawkins Macarthur; Archibald Bell.

*Report of the Committee* The Committee reported on 2 July 1834/14. It was of the opinion that the Bill should be enacted substantially as proposed, except for two alterations. “In the first [clause] we suggest that the power of apprehending Transported Felons and Offenders unlawfully at large, should be given to all free persons whatever, although such persons should not be employed in, or belong to the Police of the Colony. In the fifth clause we have proposed to adhere to the provisions of the Act...now in force, and to omit so much of the clause under consideration as requires that the information should be on oath, before the Magistrate can grant a Warrant, and that every house or tenement should be mentioned before it can be lawfully entered and searched for the discovery and apprehension of Transported Felons and Offenders unlawfully at large.” The Committee referred to “the beneficial operation of the Act...without any recorded case of abuse or injustice arising out of it...[and] the comparative tranquillity and personal security which immediately followed its first enactment”. The Bill had its second reading on 10 July 1834/19 when it was amended. It was *passed* on 5 August 1834/25, incorporating the amendments proposed by the Committee.

### **1834/12 COMMITTEE ON THE AUSTRALIAN SUBSCRIPTION LIBRARY BILL**

*See also 1840/19*

*Background* A meeting of prominent citizens of Sydney held on 3 February 1826 had resolved to form the Australian Subscription Library. It was open only to its members who had contributed the funds by means of shares. Some had also contributed books from their own personal libraries. The present State Library of New South Wales claims its origins in the Australian Subscription Library of 1826. On 11 June 1834/7 the Governor (Sir Richard Bourke) introduced *A Bill to enable the Proprietors of The Australian Subscription Library and Reading Room to sue and be sued in the name of their Secretary, and for other purposes*. On 25 June 1834/12 the Bill was referred to a Committee.

*Members of the Committee* The Attorney General (John Kinchela); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Richard Jones; Alexander Berry.

*Report of the Committee* The Committee reported on 4 July 1834/16 and the Bill had its second reading on 9 July 1834/18, and was *passed* on 29 July 1834/23. The Bill provided that the shares might be sold, but only to persons proposed as members and balloted in. For a later Act which repealed the right of sale or transfer of shares *see below* 1840/19.

### **1834/24 COMMITTEE ON EXPENSES DEFRAIDED FROM THE MILITARY CHEST**

*See also 1832/54, 1833/26 for other Committees on the same subject*

*Background* The term ‘Military Chest’ refers to the funds provided by the British Government for the upkeep of the military establishment in the Colony. Items such as stationery, stores, provisions, fuel and light were supplied to the various Colonial Departments. On 30 July 1834/24 the Governor (Sir Richard Bourke) tabled accounts of expenses defrayed from the Military Chest for the years 1827/1828, 1828/1829,

1829/1830, 1830/1831. A Committee was appointed to examine and report on the accounts. It should be noted that provision had already been made on 13 August 1833/36 for the repayment of the 1827/1828 accounts (*see above* 1833/26).

*Members of the Committee* Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Collector of Customs (John George Nathaniel Gibbes); Richard Jones; Alexander Berry; John Blaxland.

*Report of the Committee* What appears to be the Report of the Committee was brought before the Council on 5 August 1834/25, with a further Report on 7 August 1834/27. Both Reports were received by the Council and were ordered to lie upon the Table. The Governor had previously introduced, on 30 July 1834/24, *A Bill for applying certain sums in liquidation of the amount due to His Majesty's Commissariat Department, on account of the Service of New South Wales, for the Years One thousand eight hundred and twenty-seven, to One thousand eight hundred and thirty-one inclusive*. The Act (5 William IV No. 14) with the short title *Commissariat Claims Act* provided that the various claims were to be met from the amount which had been reserved from the balance remaining in the Colonial Treasury at the end of 1831, being £36,584 16s 4d. It was passed on 22 August 1834/29. A week before this, on 15 August 1834/28, the Council had resolved, on the motion of the Colonial Secretary, that “a sum not exceeding £2967 7s 3d” be appropriated to pay to the Commissariat the balance of the accounts from 1827 to 1831. Whether this payment was actually made is unclear.

#### **1834/31 COMMITTEE ON THE PROJECTED FORMATION OF LINES OF STREETS ON THE SURREY HILLS**

*Background* On 28 August 1834/31 the Governor (Sir Richard Bourke) tabled “a Minute, accompanied by several documents, explanatory of the claims to compensation for land required for opening the intended Streets upon the Surrey Hills”. Some small building allotments had been sold there in 1830, and in 1831 Captain Brooks advertised part of his grant for sale. The Surveyor General negotiated with Brooks to relinquish sufficient of the land to allow streets to be formed preserving the then existing plan of Sydney, Brooks being compensated with land of equal extent elsewhere. However, in 1833 some other proprietors had sold small allotments for cottages, some being “on the very ground intended for Streets”. The Surveyor General had advised that “the Surrey Hills, not only offered the most eligible situation for the extension of Sydney, but that in which the desired object could be accomplished at the least expense, the ground being less improved, and consequently less valuable than any other adjacent to the Town...He stated further, that capacious Sewers and Drains being essential to the health of every large Town, these cannot be advantageously or cheaply constructed, unless the Streets are levelled and opened before the Buildings are erected”. The Governor went on to say that while there had been early confusion as to how compensation might be claimed, the cost to Government was now assessed at least £6,000. He proposed “to appoint a Sub-Committee to examine and report on the projected formation of these lines of Streets, both with reference to their general utility, and to the Expense to the Public...”

*Members of the Committee* The Chief Justice (Francis Forbes); Lieutenant-Colonel Snodgrass (Officer Commanding the Forces); Alexander Berry; John Blaxland; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 3 September 1834/32 that it could not “see in what manner the Inhabitants of the Colony generally are interested in extending the Town of Sydney in that direction...The Land on the Surrey Hills derives its high value entirely from its contiguity to the Town of Sydney, and the opportunity which is afforded to the Proprietors of the Land of disposing of their Ground for Building; as this can only be accomplished by forming convenient Streets communicating with the Streets of Sydney, it seems unreasonable that the Public should be called upon to reimburse the Proprietors for Improvements which give the present very high, and indeed, comparatively speaking, the only value to their Land”. The Committee also warned of the danger of establishing a precedent which could extend to all other lands in the Colony. The Report was printed. On the basis of the Report and after discussion in which it became clear that the Council was in agreement with the Committee, the Governor informed the Council that he “would not now bring before them any proposition for the payment of the several sums specified in the return laid on the table” on 28 August 1834/31. He also said that he would bring before the Council on 1 October 1834/33 the claims for compensation which might arise from the already published proposal for the widening of George Street.

#### **1834/32 COMMITTEE ON THE WESLEYAN CHAPEL BILL**

*Background* The Wesleyan Methodists had been granted land to erect a chapel in Macquarie Street but now wished to sell that land and chapel and purchase and build elsewhere. On 3 September 1834/32 the Governor (Sir Richard Bourke) introduced *A Bill for enabling the Missionaries of the people called Methodists, to sell the Land and Chapel belonging to them in Macquarie Street, Sydney, and to purchase other Land and build a new Chapel thereon*. The Bill was referred to a Committee.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Collector of Customs (John George Nathaniel Gibbes); Robert Campbell, snr.; Alexander Berry; Richard Jones.

*Report of the Committee* The Committee reported on 1 October 1834/33, and the Council presumably having found the proposal acceptable, the Bill proceeded to its second reading on that day. It was *passed* on 7 October 1834/34.

#### **1834/33 COMMITTEE ON CLAIMS FOR COMPENSATION IN GEORGE STREET**

*Background* George Street was one of the principal streets in the Town of Sydney. By 1834 it had been found desirable for the street to be widened and straightened and an approved line of the street had been laid down. Some owners had respected the new line, while others were claiming compensation for having to comply with it. The complying owners felt so strongly about this that they threatened, if the non-complying owners did receive compensation, that they would “resume the portion thus dedicated to the Public”. A Committee to investigate the claims for compensation was therefore appointed.

*Members of the Committee* Lieutenant-Colonel Snodgrass; The Colonial Secretary (Alexander Macleay); Alexander Berry; Richard Jones; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 7 October 1834/34. The Report was printed. The Committee could see no justification “for any Compensation to be given for the Land required for improving the public streets; but in the event of any parties being actually put to expense by the removal of buildings, so as to bring the same within the approved line, they see no objection to Compensation being given to such extent”. One such claimant was Mr Martin Gill, for the removal of his shop and for loss of business, and the Committee believed that he should be compensated from the Revenues of the Colony. On a more general principle, the Committee recommended that the existing Government regulations as to width of carriageways and foot paths should be consolidated into a Bill. On 21 October 1834/36 the Governor *introduced A Bill for better regulating the Alignment of Streets in the Town of Sydney*. The Bill had its second reading on 25 October 1834/37 and was amended. It was *passed* on the last sitting day of the Session on 28 October 1834/38.

## Session of 1835

### 1835/1 COMMITTEE ON POLICE AND GAOLS

*For a later Committee see 1839/8 Committee on Police and Gaols*

*Background* In his Address to the Council on the first sitting day on 18 May 1835 the Governor (Sir Richard Bourke) informed it that in the Estimates for 1836 and a Supplementary Estimate for 1835, charges for the maintenance of the Police and Gaol Establishments had been introduced “by command of His Majesty's Government”. The surplus from the Land Revenue, over and above that required for the assistance of Emigrants, was to be used to defray, at least in part, these charges. The Governor proposed to appoint a Committee “to enquire into and report upon the Establishment and Strength of the Police Force in all its branches, to what extent it may be expedient to maintain it, and expense it will occasion; and to enquire into the capacity and condition of the Gaols in the Colony, and to report what additional buildings appear to be required, and the probable expense of providing them”.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Attorney General (John Kinchela); Alexander Berry; Hannibal Hawkins Macarthur; Archibald Bell.

*Report of the Committee* The Committee reported at length on 9 October 1835/33 and the Report was printed. As well as recommendations, the Report gives an account of the development of the Police Force from its formal establishment by Governor Macquarie in 1810 to about the end of 1834. A series of recommendations follows: (1) The appointment of a General Superintendent of Police. (2) The Division of the Colony into Police Districts. (3) The Police required for the Town and District of Sydney. (4) The Police required for the Country Districts. (5) The Mounted Police. (6) The service of escorting Prisoners. (7) The Watch-houses or Lock-up-houses which appear to be necessary. (8) Gaols and Court Houses. (9) Other general matters to do with the Police. It is not clear as to what extent the recommendations of the Committee were put into effect, but in his Address to the first sitting day of the 1836 Council, on 2 June 1836/1, the Governor reported that “the Sydney Police has been considerably augmented...and the Town is improving in security and order...In the Country Districts additional Police Magistrates have been appointed, and the Mounted Police and Constabulary augmented. The greatest tranquility prevails throughout”. On the other hand, progress on the Gaols (and other public buildings) had been slow because of the shortage of skilled workmen.

### 1835/1 COMMITTEE ON IMMIGRATION

*For other Committees on Immigration see the entry at 1855/34*

*Background* In his Address to the Council on the first sitting day of the 1835 Session on 18 May 1835/1, the Governor (Sir Richard Bourke) announced that he proposed “to appoint a Committee to enquire into, and report upon the best means of promoting the introduction to the Colony from the Mother Country, of persons of both sexes of good moral character and industrious habits”.

*Members of the Committee* The Chief Justice (Francis Forbes); Lieutenant-Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Auditor General (William Lithgow); Richard Jones; John Blaxland.

*Report of the Committee* The Minutes of Evidence taken before the Committee were tabled on 16 June 1835/8 and the Chief Justice as Chairman gave an interim report. The Evidence was printed, as was the Final Report which was tabled on 18 September 1835/31. The first part of the Report is a useful summary of emigration practices and the results thereof from 1830 to 1835. The Committee was concerned about the current provision that unmarried females (greatly desired in a predominantly male Colony) should be required to repay part of the cost of their passage. "In selecting young unmarried women, too much care and vigilance cannot be exercised to see that they are of virtuous character". It appeared that approval had now been given for all suitable females between the ages of 15 and 30 to be granted a free passage. However, the Committee had found that a considerable proportion of the female immigrants were of loose character and therefore quite unsuitable. There were obvious problems in selection and it was clearly undesirable for the Agent for the Emigration Committee in Britain (John Marshall) and the Contractor for the conveyance to emigrants to be one and the same person. The Committee then expressed its views on "the best means of extending and promoting the introduction of a moral and industrious class of Emigrants". On the assumption that about 3,000 immigrants would be required over the next three years, the Committee proposed that the several classes of immigrants should be in the following proportions: married mechanics with families (preferably small) 1/8; married mechanics without children 2/8; married farm servants without children 1/8; unmarried farm servants 2/8; unmarried women 2/8. Governor Bourke transmitted a copy of the Report to the Secretary of State for the Colonies (Lord Glenelg) in Despatch No. 102 of 14 October 1835. In it he said that he was "making arrangements for carrying into effect some of the measures they have recommended, and more especially for the employment of one or more Agents to seek out in Great Britain and conduct hither Emigrants of the description most required in the Colony". Some of these Agents might be former Surgeon Superintendents of Convict Ships. "Upon the judicious and appropriate selection of the Emigrants, the whole value of the scheme of Emigration now submitted may be said to depend. The selection can hardly be well made, if the Agent is not intimately acquainted with the wants of the Colony which he is to supply; and it is scarcely less necessary that he should be known to and possess the confidence of the Colonists." Bourke also proposed a Bounty to be paid to "those Settlers, who have the means, and would prefer to engage by their own Agents, Mechanics or Agricultural Laborers".

## **1835/2 COMMITTEE ON THE PARISH ROADS BILL**

*Background* In his Address to the Council on the first sitting day of the 1835 Session on 18 May 1835, the Governor (Sir Richard Bourke) referred to a proposed *Bill for providing means for the Repair of Parish Roads in the County of Cumberland*. The operation of the Bill was confined to the County of Cumberland, "no other in the Colony having been as yet regularly defined and divided according to the Kings Instructions". It seems probable that when the *Parish Roads Bill* came up for its second reading on 22 May 1835/2 there was some disquiet about the proposal for raising the necessary funds, since the second reading was deferred and a Committee appointed "to enquire into the expediency of passing a *Parish Road Act*...after obtaining the best information that can be collected as to

the most economical and convenient method of making and repairing such Roads at the expense of the Parishes, under necessary restrictions as to extent”.

*Members of the Committee* The Chief Justice (Francis Forbes); Alexander Berry; Richard Jones; John Blaxland; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 21 July 1835/18 and the Report was printed. It believed that a rate assessed by the acre would be unfair and oppressive due to the varying degrees of productivity of the land, and that as a general principle “the charge of repairing the parish roads should be borne by all the inhabitants of the Colony, in the proportion in which that they respectively may use them...and that a toll should be levied on the several parish roads which it may be deemed necessary to repair”. The Committee proposed a basis for legislation to achieve this. A new *Parish Roads Bill* was introduced into the Council on 18 September 1835/31 and was passed on 9 October 1835/33. However, this Act was repealed by a new *Act, 4 Vic. No 12*, of 23 September 1840/38 which provided that proprietors of land adjacent to a Parish Road could appoint trustees, and that those trustees could levy “uniform acreable rates, without regard to the value of the land, or to whether it be cultivated or not”, the rate not to exceed six pence per acre in any one year.

#### **1835/9 COMMITTEE ON THE COMMERCIAL BANKING COMPANY OF SYDNEY BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 17 June 1835/9 the Governor (Sir Richard Bourke) introduced *A Bill to regulate the Proprietors of a certain Banking establishment, or Company, carried on in the Town of Sydney, in the Colony of New South Wales, under the style and firm of The Commercial Banking Company of Sydney, to sue and to be sued in the name of the Managing Director of the said Bank or Company and for other purposes therein mentioned*. The Bill was read a first time and referred to a Committee.

*Members of the Committee* Lieutenant-Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Auditor General (William Lithgow); The Collector of Customs (John George Nathaniel Gibbes); John Blaxland; Edward Charles Close.

*Report of the Committee* The Report was tabled on 2 July 1835/13 and the Bill had its second reading on 3 July 1835/14; it was *passed* on 21 July 1835/18.

#### **1835/18 COMMITTEE ON PORT DUES AND PILOTAGE**

*Background* On Tuesday 21 July 1835/18 the Governor (Sir Richard Bourke) tabled “a Petition from certain traders, shipowners, and others engaged in the trade with Van Diemen's Land” which was referred to a Committee “to enquire into and report the charges made for Port Dues and Pilotage, in New South Wales and Van Diemen's Land respectively, on vessels trading between the two Colonies, and to report on such other matters as are alleged in the Petition”.

*Members of the Committee* The Colonial Secretary (Alexander Macleay); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Richard Jones; Edward Charles Close.

*Report of the Committee* The Colonial Secretary as Chairman brought up the Report on 24 July 1835/20; it was printed. Harbour Dues and Pilotage were set in the more general *Act for the better preservation of the Ports...in New South Wales*. The Petitioners had asked that vessels trading between New South Wales and Van Diemen's Land be placed on the same footing as those employed in the Coasting Trade and thereby subjected to lower Harbour Dues and Pilotage. The Committee did not agree, saying that it “cannot see any grounds whatever for distinguishing the Trade with Van Diemen's Land where there is a separate Government, from the Trade with Mauritius, the Cape of Good Hope, or any other British Colony”. It also pointed out that the Customs House, Light, or Harbour Dues in the Port of Sydney were less than those in Hobart and should not be reduced; but it did recommend that experienced masters of vessels of not more than 200 tons which regularly traded between Sydney and Van Diemen's Land and which did not require pilots should be exempt from Pilotage. As a consequence the Governor, on 18 August 1835/28 tabled a Bill to amend the Act which had its second reading on 25 August 1835/29 and was *passed* on 4 September 1835/30.

#### **1835/31 COMMITTEE ON THE SCAB IN SHEEP EXTENSION BILL**

*See also 1832/29, 1838/10*

*Background* --- *see above* 1832/29. The original Act had been made perpetual by an Act passed on 28 October 1834/38, but on 25 August 1835/29 the Governor (Sir Richard Bourke) introduced *A Bill to extend the provisions of...An Act to prevent the extension of the infectious disease, commonly called the Scab, in Sheep or Lambs, in the Colony of New South Wales*. The purpose of this was to extend the Act “to be in force within all parts of the territory of New South Wales, whether within or beyond the boundaries prescribed for location for settlers, except so much thereof as is hereinafter repealed”. On 18 September 1835/31 this amending Bill was referred to a Committee for report.

*Members of the Committee* The Attorney General (John Kinchela); The Auditor General (William Lithgow); Richard Jones; Edward Charles Close; Hannibal Hawkins Macarthur.

*Report of the Committee* The Report was tabled on 22 October 1835/32 and the Bill was further amended. It was *passed* on 9 October 1835/33.

## Session of 1836

**1836/11 COMMITTEE ON THE PLAN AND ESTIMATE FOR A NEW GOVERNMENT HOUSE, AND THE ERECTION OF A WHARF AT THE HEAD OF SYDNEY COVE, AND THE PLAN AND ESTIMATE FOR THE GAOL AT DARLINGHURST**

*Note: This entry deals only with the wharf at Sydney Cove (Circular Quay). For the proposed new Government House, and the Gaol at Darlinghurst see the separate entries under 1836/11.*

*Background* See above On 12 July 1833/25 a Committee had been appointed to examine a proposal for a quay at the head of Sydney Cove. This new Committee was appointed on 25 July 1836/11 “to examine and report on the erection of a wharf at the head of Sydney Cove, together with the proposed new Government House and the Gaol at Darlinghurst”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Auditor General (William Lithgow); Alexander Berry; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* Captain George Barney (Royal Engineer Commanding): Barney's evidence is printed as an appendix to the Report of the Committee.

*Report of the Committee* The Chief Justice, as Chairman, brought up the Report on 12 August 1836/20: it was printed. The view of the Committee was that the construction of the wharf was feasible and highly desirable, and that the proposed covering of the Tank Stream, which was the main sewer for the town, should proceed in an attempt to prevent the silting up of Sydney Cove. The expense of the whole undertaking was expected to be covered by the sale of the water frontages to Sydney Cove which would become available when the new Government House was completed. See also below 1839/1 Committee on Purchase of Land required for the proposed Circular Quay and 1840/21 Committee on Land in Macquarie Place required in connection with the new Circular Quay. The new Quay was finally completed in 1854.

**1836/11 COMMITTEE ON THE PLAN AND ESTIMATE FOR A NEW GOVERNMENT HOUSE, AND THE ERECTION OF A WHARF AT THE HEAD OF SYDNEY COVE, AND THE PLAN AND ESTIMATE FOR THE GAOL AT DARLINGHURST**

*Note This entry deals only with the proposed New Government House. For the Wharf see above 1836/11 and for the Gaol see below 1836/11.*

*Background* The first Governor, Arthur Phillip, had two Government Houses, one at Sydney (a prefabricated structure which had come with the First Fleet) and one at Parramatta, and both had been used by all the governors since. The Government House at Sydney was at the south-western corner of Bridge and Phillip Streets and the site is now (2005) occupied by the ‘Museum of Sydney on the Site of the First Government

House'. The Government House at Parramatta was later used as the preparatory school for the King's School and is now (2005) in the custody of The National Trust of Australia (New South Wales). In 1831 the Secretary of State for the Colonies (Viscount Goderich) noted in a Despatch to Governor Bourke that the Governor of New South Wales had two places of residence allowed to him, which appeared to be unnecessary, and instructions were given for the disposal of the house at Parramatta, as soon as a new Sydney Government House had been completed. Governor Bourke reported "that the present Government House in Sydney is a collections of Rooms built at different times by Successive Governors, and is in consequence not only extremely inconvenient and unsightly, but in Such a bad state of repair, as to demand the immediate expenditure of a large Sum of Money to render it habitable and decent...it would be a waste of Money to expend any large Sum for its preservation". However, he requested that plans for the new house be drawn up by a London architect, on the basis of a proposal for the number and type of rooms required, and taking into account the design of the existing Government House stables built in Governor Macquarie's time. (The stables later became the New South Wales Conservatorium of Music). The Colonial Office arranged for designs to be provided and approved of the financing of the project by the sale of Government land, but the total cost was not in any circumstance to exceed twelve thousand pounds. A Committee was appointed on 25 July 1836/11 to examine and report on the erection of a wharf at the head of Sydney Cove, together with the proposed new Government House and the Gaol at Darlinghurst.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Auditor General (William Lithgow); Alexander Berry; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* Mortimer William Lewis (Colonial Architect); Captain George Barney (Royal Engineer Commanding).

*Report of the Committee* The Committee reported on 12 August 1836/20 that the plan for the New Government House, with some modifications, would be suitable, but it could not be built for less than £25,000 sterling. The Report was printed. A plan was appended showing the proposed site for the proposed new Government House, Public Offices, the Circular Quay, and improvement of streets connected therewith. Some land could be separated from the present Government Domain and sold to meet the estimated cost. The new Government House was completed in 1845.

**1836/11            GOVERNMENT HOUSE, AND THE ERECTION OF A  
WHARF AT THE HEAD OF SYDNEY COVE, AND THE PLAN  
AND ESTIMATE    FOR THE GAOL AT DARLINGHURST**

*Note* This entry deals only with the proposed new Gaol at Darlinghurst. For the New Government House and the Wharf at Sydney Cove see above separate entries 1836/11

*Background* During the Governorship of Sir Thomas Brisbane (1820-1825) "a quadrangular space of about three acres and a half in extent, situated on an elevated and airy spot of land on the vicinity of Sydney, was enclosed at very considerable expense, with substantial stone walls, twenty feet in height, for the erection of a gaol". The gaol was not built at that time but on 25 July 1836 a Plan and Estimate for a Gaol at Darlinghurst were laid before the Council. A Committee was appointed on 25 July

1836/11, “to consider and report upon the expediency of making such alterations in the original design, as will render the interior arrangements conformable to the recommendation contained in the second Report of the [House of] Lord's Committee of 1835”.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Auditor General (William Lithgow); Alexander Berry, Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* The Committee took evidence on 1, 3, 6 and 20 August 1836 from Captain George Barney (Royal Engineer Commanding); Mortimer William Lewis (Colonial Architect); Thomas Macquoid (Sheriff of New South Wales); James Bowman: (Inspector General of Hospitals); James Mitchell, (Colonial Surgeon).

*Report of the Committee* On 12 August 1836/20 the Chief Justice as Chairman reported progress; the Committee was given leave to sit during the adjournment. The Report of the Committee is dated 26 August 1836 and was printed. The Report recommended that a Gaol be built “framed on the principle of the Eastern Penitentiary at Philadelphia in the United States of America, which is the last, and considered the best yet suggested for buildings of this kind”. A plan and elevation of this radial prison is appended to the Report of the Committee. The Abstract of the Revenue and its Appropriation for 1836 makes it clear that approval had been given for the construction of the Gaol; since by then £15,000 had been approved. The Abstract for 1837 shows that a further £1,753 had been provided, but progress was slow, partly because of the lack of skilled labour, and partly by decreasing revenue. Nevertheless, the 1839 Committee on Police and Gaols was able to report that “Considerable progress has been made in the erection of the new Gaol at Darlinghurst, and the Colonial Architect gives reason to hope that a portion of it at least may occupied early in the ensuing year”.

### **1836/13 [COMMITTEE ON THE UNION ASSURANCE COMPANY BILL]**

*Note--No separate Committee was appointed. Consideration of the Bill was referred to the existing Committee on the New Government House: there is no obvious connection.*

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council.

On 27 July 1836/13 the Governor (Sir Richard Bourke) introduced '*A Bill to enable the Proprietors of a certain Company carried on in the Town of Sydney, in the Colony of New South Wales, under the name, style and firm of The Union Assurance Company of Sydney, to sue and be sued in the name of the Chairman of the said Company for the time being, and for other purposes therein mentioned.* The Bill was referred to the Committee on the New Government House, presumably because that Committee was already in existence and had as key members the Chief Justice, the Colonial Secretary, and the Auditor General.

*Members of the Committee* The Chief Justice (Francis Forbes); The Colonial Secretary (Alexander Macleay); The Auditor General (William Lithgow); Alexander Berry; Hannibal Hawkins Macarthur.

*Report of the Committee* The Chief Justice as Chairman brought up the report of the Committee on 28 July 1836/14 and the Bill had its second reading on the same day. It was *passed* on 11 August 1836/19.

## Session of 1837

### 1837/2 IMMIGRATION COMMITTEE

*See also the entry for 1855/34 for other Committees on Immigration*

*Background* During a period of what was perceived by some Colonial flock-owners as an acute shortage of labour, a number of them wrote to the Colonial Secretary on 24 May 1837 with a proposal that Indian labourers from Bengal should be imported into New South Wales at Government expense but with an undertaking that the settlers would then maintain them free of any expense to the Government. On 1 June 1837/2 the letter and other documents were referred to a Committee “to consider and report their opinion upon a proposal made to the Government of New South Wales for introducing into the Colony certain of the Hill laborers of India; and to consider the terms under which mechanics and laborers from Europe, are now brought out, and to report their opinion thereon. Papers on these subjects referred to the Committee, with leave to examine evidence if necessary, and report the same.”

*Members of the Committee* Colonel Kenneth Snodgrass (Officer Commanding the Forces); William Lithgow (Auditor General); John Blaxland; Hannibal Hawkins Macarthur; Sir John Jamison.

*Witnesses examined by the Committee* John Mackay (late of Bengal, Indigo Planter and Merchant); Thomas Porter Biscoe (East India Company's Civil Service, formerly Collector of the District of Sarun); John G Collins (late Captain in 13 Dragoons); John Revell (Captain in the East India Company's Bengal Artillery); Duncan Mackellar (late Commander of a vessel trading to the East Indies); Robert Scott (of Glendon, a large landed proprietor); Charles Bury (East India Company's Bengal Civil Service); J R Mayo (apparently newly arrived in the Colony, with hopes of cultivating cotton, coffee and sugar); Thomas Potter Macqueen (a large landholder); John Broadley Howard (of the Customs Department and former resident of Bengal); William Charles Wentworth (an extensive landholder); William Morgan (Ship Agent and Merchant); Robert Towns (Commander of the ship *Brothers*); John Edye Manning (Registrar of the Supreme Court, and an extensive landholder); James Bowman (late Inspector of Colonial Hospitals, and a very extensive landholder); Joseph Hickey Grose (late one of the Directors of the Commercial Bank, and a considerable landholder); Henry O'Brien (of Yass, a considerable land and stock proprietor); Lieutenant-Colonel Henry Dumaresq (Commissioner for the Australian Agricultural Company); Thomas Barker (a considerable stock-owner); Colonel John Thomas Leahy (of Illawarra, a considerable land-owner); George Cox (of Winbourne, Mulgoa, a considerable land-owner); William Lawson (of Prospect, a considerable land-owner); Alick Osborne, R.N. (Surgeon Superintendent of the ship *Adam Lodge*, with immigrants from Ireland).

*Report of the Committee* The Committee produced a Progress Report on 11 July 1837/7 and a Final Report on 25 August 1837/19. Both Reports and the Minutes of Evidence were printed.. For the Despatch, Bourke to Glenelg 8 September 1837 with the Governor's comments on the Report *see* Historical Records of Australia, series 1, vol xix pp 80-84. The Committee referred to the shortage of labour and called for immigration to “be immediately encouraged to the full extent of the present demand for labor...and continued yearly to the extent of the whole Revenue arising from the Sale of Crown

Lands". It proposed some changes to the Bounty System, an increase in the upper age limit for male immigrants, and relative proportions of immigrants as follows: Married mechanics, with or without children, two eighths; Married farm servants, one eighth; Unmarried men, including farm and house servants, shepherds and coachmen, three eighths; Unmarried women, two eighths. The Committee gave a very qualified recommendation as to the importation of Hill coolies from India "only as an immediate and temporary relief to the distresses of the settlers", although the coolies might be useful if a settlement were to be formed to the north where the climate would be too oppressive for Europeans.

### **1837/9 COMMITTEE ON THE AUSTRALIAN GASLIGHT COMPANY BILL**

*See also 1839/27*

*Background* According to the Diamond Jubilee history of the Australian Gas-Light Company ([Robert John Lukey] *Australian Gas-Light Company...Historical sketch...W E Smith 1897*) the lighting of Sydney by gas was first under consideration in the year 1826, when, at the instance of the Government, the then Colonial Civil Engineer, Mr Alexander Kinghorne, J.P., "prepared a report and estimate of the cost and probable returns in connection with same; but no further action appears to have been then taken in the matter". On 18 July 1837 the Council received a Petition "from certain Owners and Occupiers of Houses and other Buildings in the Town of Sydney, representing the advantages to be gained by lighting the said Town with Gas, and praying that such an Act for effecting that purpose may be passed as may be deemed expedient---signed by 214 persons". There seems little doubt that the matter had already been the subject of discussion, for on the same sitting day the Governor (Sir Richard Bourke) tabled *A Bill for lighting with Gas the Town of Sydney, in the Colony of New South Wales; and to enable certain persons, associated under the name, style, and firm of The Australian Gas Light Company, to erect Gasometers, &c; break up the soil and pavements, &c; erect Lamps, lay Pipes, and alter them, erect Apparatus, &c; but not to enter houses or private grounds, without consent of the owners of occupiers; to relay pavement or roads broken up, and to sue and be sued in the name of the Secretary, for the time being, of the said Company, and for other purposes.* The Bill had its first reading and was immediately referred to a Committee. The Petition was also referred to this Committee.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell, snr; Alexander Berry; Richard Jones.

*Report of the Committee* The Committee reported on 4 August 1837/15 and the Bill was *passed* with some amendments on 7 September 1837/24. For a later Committee and Report *see below* 28 August 1839/27.

### **1837/15 COMMITTEE ON THE AUSTRALIAN FIRE AND LIFE ASSURANCE COMPANY BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative

Council. On 28 June 1837/5 the Governor (Sir Richard Bourke) introduced *A Bill to enable the Proprietors of a certain Company carried on in the Town of Sydney, in the Colony of New South Wales, under the name, style, and firm, of The Australian Fire and Life Assurance Company, to sue and be sued in the name of the Chairman of the said Company for the time being, and for other purposes therein mentioned.* At its first reading the Bill was referred to a Committee. Presumably the Committee proposed some alterations, for on 4 August 1837/15 the Bill was re-introduced into the Council with the same title, had a new first reading and was referred to the same Committee.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell, snr; Alexander Berry; Richard Jones.

*Report of the Committee* The Committee reported to the Council on 22 August 1837/16 and the Bill was read a second time on 23 August 1837/17. At this second reading the Bill was referred back to the Committee “with instructions to confer with the chairman of the Company, and ascertain whether their Proprietors will consent to accept the Bill on the conditions upon which other similar Acts of Council have been passed, that every individual Member of the Company shall be liable for the debts of the Company to the full extent of his property; and that no clause or condition be inserted in their deed of Settlement, or in any Policy of Insurance, inconsistent with this principle”. The report of the Committee following this meeting is dated 28 August 1837, and this, and a copy of a letter from the Chairman of the Company, John Lamb, Esq., stating that the Directors wished. that the Bill be withdrawn “for the present” because the proposed conditions were unacceptable..

#### **1837/16 COMMITTEE TO REPORT ON THE PRESENT STATE AND CONDITION OF THE TUNNEL FOR CONDUCTING WATER INTO SYDNEY**

*See also 1833/12 for an earlier Committee to enquire into the slow progress of the work; and 1832/32 for a Committee to Examine claims by the Commissariat for the supply of Iron Pipes for conveying the water.*

*Background* See the note above at 1833/12 in relation to that earlier Committee. On 22 August 1837/16 Governor Bourke, in his last year of office laid a Minute before the Council in which he noted that the tunnel had already been ten years in the making and was still unfinished, and recommended that a Committee be appointed to enquire into the matter “...to take evidence, and report upon the present state and condition of the Tunnel for conducting water into Sydney, the work which remains to be executed to complete the original design, the expense incurred in its construction to the 30th day of June last, the further expense to be incurred in completing it, and the extent to which, when completed it may be available for the supply of the Town. Also, to enquire into and report upon the claim for further remuneration made by Mr Busby, who superintended the work to the said 30th day of June last”.

*Members of the Committee* The Acting Chief Justice (James Dowling); The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Hannibal Hawkins Macarthur.

*Report of the Committee* The tunnel was completed in June 1837 under the supervision of Major Barney, Officer Commanding Royal Engineers. Barney said in evidence that it would have been preferable for the water to have been conveyed through iron pipes (the original 1825 plan which was not proceeded with *for which see above* 1833/12), but that the tunnel would serve its purpose well and would “afford a sufficient supply of water for 20,000 inhabitants”. The cost of the work over the ten years from August 1827 to June 1837 was about £22,971, and the completion cost of the tunnel was estimated at about £600. A necessary reservoir at Hyde Park would cost £30,000. The Committee was advised that the supply of water was entirely dependant on rainfall, and that therefore immediate prospecting for additional sources of supply should begin. It also recommended a gratuity of £1,000 be paid to Mr John Busby who had the oversight of the work for its first ten years. The Report of the Committee was printed.

## **1837/26 COMMITTEE ON THE ROYAL EXCHANGE COMPANY BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 9 September 1837/26 the Governor introduced *A Bill for facilitating Legal Proceedings by and against a certain Company under the style and title of The Royal Australian Exchange Company, and for other purposes therein mentioned*. At its first reading the Bill was referred to a Committee.

*Members of the Committee* Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Alexander Berry; Richard Jones.

*Report of Committee* The Committee reported on 12 September 1837/27 that the Bill was unobjectionable, and it was *passed* on 13 September 1827/28.

## Session of 1838

### 1838/1 COMMITTEE ON REGULATIONS FOR THE ADMISSION OF STRANGERS

*Background* On 29 May 1838/1, the first sitting day of the 1838 Session, The Attorney General [John Hubert Plunkett] “presented a Petition from certain Magistrates, Landholders, and other Free Inhabitants of the Colony, praying that the doors of the Council Chamber may be opened for the admission of the Public, during the deliberations of the Council, subject to such regulations as may be necessary and proper”. The Petition was received without a division, and the Council resolved that strangers might be admitted under regulations to be framed by a Committee to be appointed.

*Members of the Committee* The Chief Justice (James Dowling); The Attorney General (John Hubert Plunkett); Alexander Berry; Hannibal Hawkins Macarthur; Sir John Jamison.

*Report of the Committee* The Committee reported on 31 May 1838/2 and the proposed regulations were discussed on 5 June 1838/3. The essence of the regulations was that (1) Strangers admitted should “observe good order” and not express any opinion on the proceedings of the Council; (2) Strangers would be admitted only on a non-transferable order in writing signed by a Member of the Council; (3) The Governor alone could authorise the admission of any number of Strangers; (4) Each Member of the Council was restricted to ordering the admission of two Strangers only; (5) Any Member of the Council could move the withdrawal of Strangers; (6) Strangers were required to withdraw from the Gallery when Divisions were taking place. These regulations were adopted by the Council.

### 1838/5 COMMITTEE ON THE MEDICAL PRACTICE BILL

*See also 1839/8 Committee on the Medical Practice Bill*

*Background* On 29 May 1838/1 the Governor (Sir George Gipps) tabled *A Bill to regulate the Practice of Medicine*. The Bill was referred to a Committee on 7 June 1838/5 with instructions to consider it and report their opinion on its provisions; evidence could be sought if necessary.

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; John Blaxland; Edward Charles Close; Sir John Jamison.

*Report of the Committee* On 2 October 1838/48 the Attorney General, as Chairman, tabled the Minutes of Evidence and a progress report: these were printed. For a variety of reasons including “the difference of opinion which existed on some portions of the Bill in its printed form, he proposed moving that such clauses only of this Bill should now be passed as were necessary to enable the Act passed earlier in the year [on 13 June 1838/8], *An Act to provide for the attendance of Medical Witnesses at Coroners Inquests, and Inquiries held by Justices of the Peace*, to be properly carried into effect”. Following this recommendation, at the second reading of the Bill on 4 October 1838/50, its title was changed to *A Bill to*

*define the Qualifications of Medical Witnesses at Coroners Inquests and Inquiries held before Justices of the Peace, in the Colony of New South Wales.* It was *passed* on 12 October 1838/54. The Committee was revived on 11 June 1839/8 with the same membership except for Edward Charles Close but it is unclear whether it met: no report from it has been seen. An amending Bill was considered by the Council in Committee on 16 August 1844/41 and was *passed* on 23 August 1844/45. A legally qualified medical practitioner was defined as “a doctor or bachelor of medicine of some university, or a physician or surgeon licenses to be admitted as such, by some college of physicians or surgeons, in Great Britain or Ireland, or who is, or has been a medical officer, duly appointed or confirmed, of Her Majesty's sea or land service”. These persons were to be registered by a Medical Board appointed by the Governor.

### **1838/7 COMMITTEE ON THE INSOLVENT DEBTORS BILL and THE IMPRISONMENT FOR DEBT BILL**

*See also 1830/5 Committee on the Insolvent Debtors Bill and the entry at 1839/8*

*Background* As commercial transactions between individuals or between individuals and shopkeepers, merchants and other firms began to become common, so did the problem of unpaid, and unpayable, debts. Imprisonment for debt was the common remedy, although it did not often result in the lender recovering his money. By 1830/5 a Committee which been appointed to examine and report on an earlier *Insolvent Debtors Bill* had recommended more lenient treatment for debtors, especially those confined in Gaol without having any prospect of ever being able to pay their debts. This amended *Debtors Relief Bill* had been *passed* on 2 April 1830/11, but for a limited period of two years because of the experimental nature of the Bill. Accordingly, a new *Debtors Relief Bill* replaced the earlier one on 6 March 1832/22. This was followed on 25 June 1834/12 by the *Insolvent Renewal Bill* which relieved debtors in execution for debts “which they are unable to pay”; it was again renewed on 9 June 1836/4. On 29 May 1838/1 the Governor (Sir George Gipps) introduced two new and related Bills: *A Bill for giving relief to Insolvent Persons, and for providing for the due Collection, Administration, and Distribution of Insolvent estates with the Colony of New South Wales, and for the prevention of Frauds affecting the same,* and *A Bill for limiting and modifying the Law respecting Imprisonment for Debt...and for preventing Persons indebted from leaving the Colony Clandestinely.* A Committee was appointed to consider and report on both Bills.

*Members of the Committee* The Chief Justice (James Dowling); The Attorney General (John Hubert Plunkett); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* John Lamb (Merchant, Deputy Chairman Commercial Bank, Chairman Fire and Life Assurance Company); David Chambers (Solicitor); Thomas Walker (Merchant); Roger Therry (Barrister, and Commissioner of the Court of Requests); James Norton (Solicitor); Robert Campbell, jnr. (Merchant); Edward Aspinall (Merchant); Thomas Smith (Merchant, and Secretary to the Marine Insurance Company); Alexander Clarke (Merchant); William Dawes (Merchant); James Kenworthy (Merchant); Thomas Dyer Edwards (Merchant); A B Spark (J.P., and Merchant); James Barker [Merchant?]; Joseph Hickey Grose (Merchant); David Poole (Solicitor); George Kinnear (Inspector of the Bank of Australasia); William a'Becket (Barrister); Sydney Stephen (Barrister); William Black (Accountant); John Mackay (former Indian Merchant); Thomas

Icely (J.P., “now retired from business”); Thomas Macquoid (Sheriff of New South Wales); Thomas Chaplin Breillat (partner in Montefiore, Breillat & Co.); John Lord (Merchant); C H Ebdon (former Merchant, now Sheep Proprietor at Melbourne); Charles William Roemer (Merchant); Hamilton Collins Sempill (J.P., Pastoralist); James Johnstone Macintyre (Merchant and Commission Agent); Charles Gore (Merchant, of London); George Porter (Merchant); Edye Manning (Merchant and Bank Director); John Gurner (Chief Clerk of the Supreme Court); Robert How (Commission Agent); William Wilson (Merchant); Adam Wilson (Merchant); John Edye Manning (Registrar of the Supreme Court); Thomas Urmson Ryder (Merchant).

*Report of the Committee* The Committee interviewed over 30 people---merchants, lawyers, insurers, bankers, accountants---and tabled the Minutes of Evidence on 31 July 1838/19 with a brief progress report. The Evidence was printed, and presumably influenced the two new Bills introduced on 11 June 1839/8. These were referred to the same Committee which reported on 18 September 1839/35, recommending that the *Insolvent Debtors Bill* be withdrawn and that another “not materially differing in the main principles be introduced early in the next Session, similarly that the *Imprisonment for Debt Bill* also be withdrawn and reintroduced”. The Report of the Committee and the Minutes of Evidence were printed. On 2 June 1840/2 the Governor, referring to the Report of the 1839 Committee, said that before he undertook to prepare a Bill based on the Committee's Report he wished “to ascertain the extent to which the Council will adhere to the views of their Committee, as otherwise much loss of labour and of time may be occasioned”. The Governor's Minute went on to explain the unsatisfactory nature of the current law, especially in the fact that it left a debtor open to a series of imprisonments brought about by successive creditors. He therefore proposed a draft of a resolution which the Council would be asked to vote on at the sitting on 16 June 1840/5. After a long debate on that day and again on 23 June 1840/7 the Governor appears to have put the introduction of a revised Bill on hold. The Bill was finally introduced on 15 September 1841/22 and was *passed* on 29 December 1841/33.

## **1838/8 COMMITTEE ON THE BUILDING ACT**

*Background* A Bill for regulating Buildings and Party-walls, and for preventing mischief by fire, in the Town of Sydney (otherwise referred to as the Sydney Building Bill) had been introduced into the Council on 18 July 1837/9. It occasioned considerable discussion in the Council over sixteen sitting days until it was *passed* in an amended form on 8 September 1837/25. On 5 June 1838/3 Edward Charles Close presented “a Petition from certain Householders, Proprietors of Property, Builders, and others, representing that certain of the clauses in the Act...have proved burthensome and vexatious...and praying for the reconsideration and amendment of the same”. The Petition was considered on 13 June 1838/8 and was referred to a Committee with instructions “to examine evidence, and to report their opinion as to the amendments (if any) which it may be desirable to make...cautiously abstaining from recommending any alterations which may tend to affect the Public safety, or to the prejudice of the general appearance and regularity of the Town of Sydney”.

*Members of the Committee* Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; John Blaxland; Sir John Jamison.

*Witnesses examined by the Committee* John Bibb (Architect and Surveyor); Francis Clarke (Architect and Surveyor); Henry Robertson (Architect and Surveyor to the Australian Fire and Life Assurance Office, and Builder); Hugh Brodie (Builder); Thomas Cowlshaw (Builder); Robert Taylor (Bricklayer and Carpenter); Thomas T Smith (Builder); Thomas Bird (Architect and Surveyor); Abraham Davy (Grocer [and a householder]); Michael Gannon (Builder); Frederick Hobbs (Corset Maker [and a householder]); Henry Scope (Builder); Charles Jenkins (Builder); Matthew Harris (Builder); William Buchanan ([Official] Surveyor under the Sydney Building Act); Edward Flood (Builder); John Verge ([Former] Architect)

*Report of the Committee* A good deal of the objection to the Act as it stood was in relation to the statutory fees payable to the District Surveyor (who relied on them for his income and the expenses of his work). Other proposals were to allow verandahs and balconies of wood, and to allow dripping eaves at the rear providing the rainwater went only on to the owners' land, and to allow venetian blinds and outside shutters, front or back; there was also objection to the charge of additional fees for outbuildings. The Committee took note of the requests of the Petitioners, and of suggestions made by some of the many witnesses. It considered that a Building Act was "highly necessary for the safety of life and security of Property in this large and rapidly increasing Metropolis". The Committee believed that with minor amendments as suggested in the Petition, the general provisions of the Act should stand. It did not, however, recommend any change in the fees payable to the Surveyor "when it is considered that he is allowed neither house, office, clerk nor horse". The Report of the Committee was printed.

## **1838/10 COMMITTEE ON THE SHEEP BILL**

*See also 1832/29, 1835/31*

*Background* See above for the two previous Committees. On 6 June 1838/4 the Governor (Sir George Gipps) introduced *A Bill to extend the provisions of...An act for preventing the extension of the infectious Disease commonly called the Scab in Sheep or Lambs, in the Colony of New South Wales, to the Disease commonly called Catarrh or Influenza in Sheep or Lambs*. On 15 June 1838/10 the Bill was referred to a Committee.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); Alexander Berry; Richard Jones; Edward Charles Close; Hannibal Hawkins Macarthur; *Sir* John Jamison.

*Witnesses examined by the Committee* Edmund Lockyer (J.P. and Landed Proprietor); Andrew Gibson (M.D., J.P.); William Hampden Dutton (Landed Proprietor); Thomas Icely (J.P., Landed Proprietor); George Bennett (M.D.); Terence Aubrey Murray (J.P., Landed Proprietor); James Atkinson (Landed Proprietor). The Committee also had before it replies to a circular letter sent to those who lived too far from Sydney to attend in person.

*Report of the Committee* The Committee reported on 1 August 1838/20 and the *Catarrh in Sheep Prevention Bill*, with amendments proposed by the Committee, was *passed* on 29 August 1838/33 with a limitation of two years on its provisions. Catarrh in sheep was a distinctly different and much more serious disease than Scab, and control of it justified the imposition of much more severe penalties. The Report was printed.

## 1838/14 COMMITTEE ON TRANSPORTATION

*Background* On 10 July 1838/14 the Governor (Sir George Gipps) tabled “several copies of the Petition for Inquiry into the systems of Transportation and Assignment with additional signatures attached to them to the number of two hundred and eighty”. These were from Bathurst (55), Wellington (38), Hassan's Walls (19), Newcastle (24), Maitland (50), Paterson (16), Hinton (28), Port Macquarie (17), Goulburn (14), Bungonia (20), Yass (6). The Petition and the Governor's Reply were printed. The Council resolved that it was expedient “on the present occasion, to proceed by way of Resolution, and not by the appointment of a Sub-Committee of Inquiry, with instructions to examine Witnesses”. A committee was appointed to frame the resolution.

*Members of the Committee* Colonel Kenneth Snodgrass (Officer Commanding the Forces); The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; John Blaxland; Hannibal Hawkins Macarthur; Sir John Jamison.

*Report of the Committee* On the advice of the Committee to the Council twelve resolutions were moved and adopted. The substance of these is as follows: The Council concurred in the view “that the character of this Colony, in as far as the social and moral condition of its Inhabitants in concerned, has unjustly suffered by the misrepresentations put forth in certain recent publications in the Mother Country; and especially in portions of the evidence taken before a Committee of the House of Commons”. However, the Council believed that although there had been from the beginning of the Colony problems relating to Transportation and Assignment, these had arisen because of “the absence...of adequate Religious and Moral Instruction, and the want of proper means of Classification in the several Gaols...as well as of a sufficient number of Free Emigrants properly qualified to become the Assignees of Convicts, and to be entrusted with their these matters”. Furthermore, it was the opinion of the Council that the assignment of convicts, particularly in the remote areas, meant that “many men, who previously to their conviction, had been brought up in habits of idleness and vice, have acquired...not only habits of industry and labour, but the knowledge of a remunerative employment, which, on becoming free, forms a strong inducement to continue in an honest course of life”. The Council believed that “the sudden discontinuance of Transportation and Assignment, by depriving the Colonists of Convict Labour, must necessarily curtail their means of purchasing Crown Lands, and consequently the supply of funds for the purposes of Immigration...and the continuance of Immigration...must necessarily depend on the continuance of the Assignment of Convicts”. The Council requested the Governor to transmit these resolutions to the Secretary of State for the Colonies (Lord Glenelg). The Resolutions are printed in full in the record of Proceedings for the day.

## 1838/21 COMMITTEE ON IMMIGRATION

*For other Immigration committees see 1855/34*

*Background* On 7 August 1838/21 Governor George Gipps tabled a Petition “from Members of Council, Magistrates, and other Free Inhabitants of New South Wales” and his reply thereto. The Petition had been adopted at a public meeting held on 21 May 1838, and expressed the regret of those present “that so large a portion of the Funds applicable to Immigration, have been expended in the introduction of Persons having large families of children---of Mechanics, who are far less urgently required than Farm Labourers and Shepherds...”. It is apparent that a great many of the petitioners were large landholders who were attempting to look after their own interests. In his reply, the Governor expressed his belief “that the idea of procuring Young Persons only, either Married or Single, in numbers sufficiently large to meet the wants of the Colony is...fallacious, the pressure of a family being the main inducement that People have to emigrate...”. The Petition was printed. The Governor also tabled a Memorial praying that he might lay the Petition before the Council and proposed that a Committee be appointed “to take into consideration the whole question of Immigration, with the view of ascertaining the means by which the present, and prospective demands of the Colonists may be most effectually met, and this Colony peopled from the Mother Country”. It was then resolved that a Committee be appointed, with instructions to examine evidence, as to how this might be done.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Auditor General (William Lithgow); John Blaxland; Hannibal Hawkins Macarthur; *Sir* John Jamison.

*Witnesses examined by the Committee* James Bowman; John Coghill; James Lawrence; Lachlan Macallister; William Macarthur; J Nicholson; Charles Campbell; G M Slade; James Stuart; W H Dutton; A C Innes; John Dobie; S K Salting; Thomas Walker; Thomas Cowlshaw; James Denham Pinnock; Arthur Savage; J E Manning; J Sullivan; David Taylor. In addition to these persons who gave evidence, more than 180 who had been asked to reply to a series of written questions, subscribed their names to a letter supporting the raising of money in England by means of a low interest loan, for the purpose of encouraging immigration to New South Wales.

*Report of the Committee* The Committee reported on 12 October 1838/53. It noted a high degree of unanimity among the witnesses and respondents that the demand for labour was high, and the supply insufficient. The Committee, however, pointed out that the continuing drought might reduce this demand for the time being. Licences to authorise the conveyance of emigrants under the Bounty System should be issued in London rather than for the conveyors of immigrants having to wait for a Colonial licence on arrival in the Colony; and care should be taken not to issue more licences for immigrants than the Colony could receive and employ. The Home Government had stipulated that some part of the Land Revenue above that required for the encouragement of immigration should be applied to the general expenses of the Colony, but this needed clarification. In the report the Committee had provided a Return of all arrivals in the Colony from 1 January 1838 to 30 June 1838, distinguishing Government ships from those under the Bounty System, and showing assisted and unassisted emigrants: it was recommended that the collection of these statistics should be continued in future years. Some flexibility in applying the conditions of the Bounty System would be desirable,

particularly in ensuring the safe passage of young female persons. The Committee had examined the relative costs of bringing our emigrants in Government ships and under the Bounty system, and had concluded that the latter was more economical, while at the same time providing satisfactory and safe conditions for the passengers. The Committee had some concerns about the numbers of passengers on some ships, and the incidence of disease and mortality on some, whether Government or Bounty, but it although felt itself incompetent to suggest remedies, it believed that proper investigations should be made as to the causes. The importation of boys and girls aged from twelve to fifteen years whose welfare could not be assured under the Poor Laws in England might be encouraged, with proper safeguards especially for young females. The practice of encouraging large families, with children under seven, was acknowledged to be undesirable in many cases, but it would be preferable to allow such families to emigrate rather than dissuade them if it was thought that in particular circumstances the gain outweighed the undoubted additional costs to employers. The practice of Government maintaining, for a period, immigrants who arrive in Government ships should be extended to those arriving on Bounty ships so that they too might have the opportunity to seek employment. The amounts each year from the sale of Land would not, perhaps, always meet the costs of immigration for those years, and in consequence the Committee recommended the raising of money by loan, secured upon the unsold Crown Lands, or on the general Revenues of the Colony; it was noted that this would require the consent of the Home Government. The Committee presented its estimates of the relative costs of bringing out immigrants financed by the sale of Crown Land, and of borrowing the money required, and concluded that the latter course would be preferable and financially viable. Last, the Committee drew attention to the lack of proper religious instruction for large numbers of immigrants when they arrived in a strange land, and drew attention to their expectation that unless this be addressed, a serious decline in public morals was inevitable. The Report was printed.

## **1838/23            COMMITTEE ON THE ABORIGINES QUESTION**

*Background* On 10 August 1838/22 the Governor (Sir George Gipps) tabled the following documents: (1) Report of a Select Committee of the House of Commons, 26 June 1837 “to consider what Measures ought to be adopted with regard to the Native Inhabitants of Countries where British Settlements are made”. (2) Despatch No. 72, from Lord Glenelg, 31 January 1838 about the appointment of G A Robinson as Chief Protector of Aborigines, based at Port Phillip, and four Assistant Protectors---Siewwright, Thomas, Dredge and Parker. (3) Copy of Despatch No. 83 from Sir John Franklin, 3 August 1837 to Lord Glenelg. (4) Copy of report from Robinson to Franklin 24 June 1837 on the state of the aborigines at Flinders Island. (5) Annual Report for 1837 of the Aboriginal Mission at Lake Macquarie. (6) Annual Report for 1837 of the Aboriginal Mission at Wellington Valley. On 14 August 1838/23 the Council resolved that a Committee be appointed to inquire into the present state of the Aborigines, and to take evidence, particularly as to the consequences of their intercourse with the Colonists, and the results of the efforts that have been made to introduce Civilization, Education, and Christianity amongst them; and to inquire into the state, progress, and effects, of the several Missions now employed amongst the Aboriginal tribes. The documents which had been laid before the Council on 10 August were to be referred to the Committee.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); John Blaxland; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* George Augustus Robinson, Chief Protector of Aborigines; Robert Scott, of Glendon; *Revd* Lancelot Edward Threlkeld, of Lake Macquarie; Lieut. Richard Sadleir, R.N., Master of the Male Orphan School, Liverpool; *Revd* Ralph Mansfield, formerly Secretary to the District Committee of the Wesleyan Missionary Society of New South Wales; John Harper, former missionary at Wellington Valley; Mrs Shelley, formerly Keeper of the Asylum for Aboriginal Children, at Parramatta.

*Report of the Committee* The Committee felt that it had not been able in the time available to examine as many witnesses as it might have been desirable, nor “to direct their own attention so closely to the different points requiring examination, as to be able conscientiously to pronounce an opinion, or to recommend the adoption of any particular course”. However, the Committee was very strongly against any proposal to relocate the remnant aboriginal population of Van Diemen's Land from Flinders Island to New South Wales on the grounds that they might incite the local aborigines “to acts of violence and rapacity, similar to those by which the colony of Van Diemen's Land was formerly devastated, and rendered almost untenable by the white population”. The Committee recommended the appointment of a similar Committee in the next Session of the Council.

**1838/49 PUBLICANS' LICENSING ACT CONSOLIDATION BILL and DISTILLATION REGULATION BILL considered by Council in Committee of the whole**

*A Select Committee was not appointed; the Council may have thought the matter was of such importance that every member should have the opportunity to speak, and to examine witnesses.*

*Background* By the late 1830s there was a growing feeling in some sections of the community, perhaps not unconnected with the rise of evangelical Christianity in England and reflected in New South Wales, that many of the supposed ills of the Colony were in part due to excessive consumption of alcoholic drinks, and especially spirits. Thus from time to time proposals to ban colonial distillation were put forward although no ban was imposed. On 23 August 1838/29 the Governor (Sir George Gipps) introduced *A Bill for Consolidating, and Amending, the Laws relating to the Licensing of Public Houses, and for further regulating the Sale, and Consumption, of Fermented, and Spirituous Liquors, in New South Wales*. At its second reading over a number of days this *Publicans' Licensing Acts Consolidation Bill* was considered and amended. However, the Bill's provisions caused alarm among “Certain Licensed Publicans of New South Wales” (there were 118 signatories) who in a Memorial represented their view that if the Bill was enacted “it will be seriously injurious to the interests of many of the Memorialists, and ruinous to those of others”. Petitions were also presented from merchants in Windsor and licensed inn keepers in Maitland, the latter complaining that the Bill “contains clauses which would materially injure them in their business and diminish the comforts of Travellers”. The Bill was further amended and was *passed* on 26 September 1838/46. The previous day the Governor had introduced another Bill which caused even greater concern: this was *A Bill to regulate the Distillation of Spirits, in the Colony of New South Wales*. In a Petition from Henry Fisher, a

Rectifier of Colonial Spirits, and Memorials from Robert Cooper, and from William Abercrombie and Company, Licensed Distillers, assertions were made that the proposed duty on Colonial Spirits would result in financial ruin. All three were heard in person or by counsel, and on 5 October 1838/51 the Bill was further amended, and its title altered to *A Bill to regulate the Distillation of Spirits in the Colony of New South Wales, and for the issue of Licenses for Distilling, Rectifying, or Compounding Spirits therein*. The Bill was *passed* on 12 October 1838/53. The several submissions made to the Council give a good account of distillation practices and the economics of this business.

## Session of 1839

### 1839/1            **COMMITTEE ON PURCHASE OF LAND REQUIRED FOR THE PROPOSED CIRCULAR QUAY**

*See also 1833/25, 1840/37*

*Background* See above 1833/25 Committee to Examine a Proposal for a Proposed Circular Quay at the Head of Sydney Cove, and below 1840/21 Committee on Land in Macquarie Place Required for the New Circular Quay. On 14 February 1839/1 the Governor (*Sir* George Gipps) tabled a letter dated 11 February “from the Commanding Royal Engineer [Major George Barney], stating that to accomplish the erection of the new Circular Quay, and other improvements near the same, it will be necessary to purchase properties valued at £52,000, embracing 1007 feet of valuable frontage, with extensive buildings; which outlay he suggests may be met by the sale of the same Land, laid off in Allotments adapted to the new lines of street and the line of the Quay, along with some adjacent Government Land; the whole comprising frontage to the extent of about 8000 feet: the Letter is accompanied by a Plan”. This plan does not appear in the set of Votes and Proceedings in the National Library of Australia, but may be in other sets.. The Letter and Plan were referred to a Committee.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Robert Campbell, snr; Sir John Jamison; Captain Philip Parker King, R.N.

*Report of the Committee* See below 1840/21 Committee on Land in Macquarie Place Required for the New Circular Quay for the recommendations of this Committee which sat again and reported on 22 September 1840/37.

### 1839/1            **COMMITTEE ON THE CROWN LANDS OCCUPATION AMENDMENT BILL**

*Background* The notion of ‘terra nullius’ held that since the land in the new Colony was (apparently) not occupied by the indigenous tribes, or being used in ways apparent to Europeans, all land was the property of the Crown. The ‘Crown Lands’ within the original Nineteen Counties could be and were granted, or sold, or leased to private individuals, but increasingly graziers travelled “beyond the limits of location” to find new pastures for their stock: they were soon known as ‘squatters’. The squatters were granted leases over the remote lands they occupied (but were given no guarantees that they had priority if the land was opened for sale); the leases were a source of funds to be devoted to immigration, and for making good shortfalls in the general funds of the Colony. There was concern that unauthorised occupation of the vacant lands would result in loss of revenue, and could mean that a *bona fide* squatter (usually not in permanent residence on his property) might find an interloper on the scene. Furthermore, it became apparent that squatters and their employees required protection from attack from the Aborigines, and from ex-convicts and others: “all parties agree that a Border Police will prove of the greatest service in keeping peace and order, and in protecting property in those distant

parts of the Territory, where many Europeans of the most abandoned character have taken up their abode”. A series of Acts from 1833 onwards had attempted to protect the Crown Lands from encroachment, intrusion and trespass and to restrain their unauthorised occupation, but how funds to pay for a Border Police force might be raised was controversial. As a consequence, on 14 February 1839/1, the Governor (*Sir George Gipps*) introduced *A Bill to amend an Act to restrain the unauthorised occupation of Crown Lands*. It was referred to a Committee, which considered the evidence of a number of witnesses, and made recommendations for considerable alterations to the Bill.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Richard Jones; John Blaxland; Hannibal Hawkins Macarthur; Sir John Jamison.

*Witnesses examined by the Committee* William Ogilvie, of Merton; Terence Aubrey Murray, of Lake George; W C Wentworth; James Glennie, of the Gwydir [River]; H Fysche Gisborne; Thomas Icely; William Faithfull; *The Reverend* David Mackenzie, of Sydney; William Rutledge, of Field of Mars, near Parramatta; John Lambie, Commissioner of Crown Lands; Hamilton Collins Sempill; Henry O'Brien, of Sydney; John Thompson, Chief Draftsman in the Surveyor-General's Department; Lawrence V Dalhanty, Commissioner of Crown Lands; George W Smyth, of the Mounted Police; Robert Scott, of Glendon.

*Report of the Committee* After hearing seventeen “persons possessing considerable knowledge of the several parts of the country beyond the limits of Location”, all of whom were agreed that such a Bill would be of advantage, the Committee “found it necessary, both in accordance with their own views of the subject, and the wishes of the persons most likely to be affected by the Bill, to make considerable alterations therein”. It was agreed that a Border Police should be established, but there was “some difference of opinion as to the way in which the funds required for that purpose should be raised: certain persons considering that it ought to be by a Rent on Land, and others by an assessment on Stock”. Persons occupying vacant Crown Land within the Limits of Location without a valid lease were to forfeit the land and pay a prescribed penalty. Similarly, unauthorised occupation without a lease of lands outside the Limits of Location were to be subject to the same conditions. There were to be reporting requirements as to the numbers of sheep, cattle and horses as a basis for assessment for prescribed levies “to defray the expenses of the payment of the salaries of the...Commissioners [of lands beyond the boundaries of location] and police officers”. The Committee reported in these terms on 26 February 1839/2, and the amended and re-named *Crown Lands Occupation Act Amendment Bill* was brought before the Council on 5 March 1839. The Bill was considered on two successive sitting days, and on 18 March 1839 the title was again changed to *An Act further to restrain the unauthorised occupation of Crown Lands*: it was *passed* on 22 March 1839/7.

## **1839/8 COMMITTEE ON THE INSOLVENT RELIEF BILL and THE IMPRISONMENT FOR DEBT BILL**

*Reports of the Committee* For a detailed consideration of this Committee (unchanged in membership from the 1838 Committee), *see above* 1838/7 Committee on the Insolvent Debtors Bill and the Imprisonment for Debt Bill. A revised Bill was finally introduced on 15 September 1841/22 and was *passed* on 29 December 1841/33.

1839/8            **COMMITTEE ON THE ESTABLISHMENT AND STRENGTH  
OF THE POLICE FORCE**  
(later referred to as **Committee on Police and Gaols**)

*It should be noted that the Report of this Committee, although ordered to be printed, was not included in some of the bound volumes for 1839. It will be found, however, in the microfilm copy from the Mitchell Library in Sydney which is the copy most generally available.. For an earlier Committee see above 1835/1 Committee on Police and Gaols*

*Background* The effectiveness of the Police in the Colony had been a recurring concern for many years, while the cost of providing policing came under criticism. It had often been asserted that the need for a Police Force came largely from the great number of criminals (convicts and ex-convicts) in the Colony, and some members of the Legislative Council, and no doubt elsewhere, were strongly of the opinion that since the Home Government in England had transported the convicts to New South Wales, it should pay for the costs of controlling them. The same arguments were used in relation to the costs of confining offenders in prisons, which were costly to build and equally costly to operate. In his Address to the Council on 11 June 1839/8 Governor Gipps said “Among the Public Establishments of the Colony, there is not, it seems to me, one of more vital importance than that of the Police...notwithstanding the extent of these Establishments, and the enormous expense of them”. He proposed referring the issue to a Committee, similar to that which sat upon them in the year 1835. The Committee which was appointed was instructed “to inquire into and report upon, the establishment and strength of the Police Force in all its branches, to what extent it may be expedient to maintain or increase it, and the expense it will occasion”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thompson); The Attorney General (John Hubert Plunkett); Hannibal Hawkins Macarthur; Richard Jones; John Blaxland; Sir John Jamison; Phillip Parker King.

*Witnesses examined by the Committee* With the exception of the Police Magistrates, the Colonial Architect, the Sheriff, and Lieut. Bentley and Lieut. Caswell, all of the witnesses were Justices of the Peace: William Moriarty (Van Diemen's Land); Thomas Icely; Andrew Gibson; Dr T B Wilson; H F Gisborne; Edward Mayne; Percy Simpson; John Richard Hardy; Edmund Lockyer; John Street; Patrick Plunkett; Henry Cosby; Charles Cowper; P L Campbell; W C Wentworth; R C Lethbridge; W N Monies; H C Wilson (First Police Magistrate); James Edward Ebsworth; Alexander Busby; Charles Windeyer (Second Police Magistrate); Alfred Holden; Joseph Long Innes; A C D Bentley, (Lieut. 50th Regt.); David Dunlop; Edward Denny Day; F C L Thompson; J H Crummer (Major); Samuel North; J W Nunn (Major); W B Carlyle; W H Palmer; Thomas Walker; Thomas Cook; G M C Bowen; Thomas Macquoid (Sheriff of New South Wales); T Aubrey Murray; Ranulph Dacre; George C Curlewis; Benjamin Sullivan; Edward Johnstone; Mortimer William Lewis (Colonial Architect); John Ryan Brenan (Third Police Magistrate); Patrick Grant; James Henry Phelps (replied to Circular); Henry C Antill (replied to Circular).

*Report of the Committee* The Committee reported on 29 October 1839/43 that it had been “most desirous to curtail the expense of this branch of the Public Service within the narrowest limits which the peace, good order and moral state of the Community would

admit. At the same time your Committee have deemed it their imperative duty not to allow those important objects to be sacrificed to any false view of the economy". The Committee went on to point out that although their estimate of the necessary expenditure was high in relation to the size of the population, there were "three striking elements of the population of this colony which materially affect the necessity for a large and consequently expensive Police. The first is the great disparity of the sexes in the distant parts of the Colony...[which meant that] some of the most important ties of society which are calculated to repress crime, cannot exist...The next cause is penal character of a part of the Population...of necessity a great number of offences have been created, which are not punishable in free men.. Another cause for our large establishment of Police, is the dispersion, over a very superficial extent of Territory, of the Population necessary for the production of the great staple of the Colony". Other reasons for the need for keep a large Police Force included "particularly of late years the collisions which have taken place between the White Population and the Aboriginal Inhabitants". The Committee had dealt with its task in thirteen sections:

"First Additions to the Police made since the Committee's Report in 1835.

- Second . Division of the Colony into Police Districts
- Third General superintendence of Police.
- Fourth Police for the Town and District of Sydney, including the Water Police for the Harbour of Port Jackson.
- Fifth Police for the Rural districts of the Colony.
- Sixth Mounted Police.
- Seventh Border Police.
- Eighth General Estimate of proposed Expenditure for Police.
- Ninth Cause of the present inefficiency of the Police---and means of improving it.
- Tenth The Escort of Prisoners and the serving of Subpoenas and Summonses.
- Eleventh The Court-houses and Watch-houses required.
- Twelfth Gaols; and
- Thirteenth General Observations."

The Report was considered in by the Council in Committee on 13 November 1839/45 when various sums were appropriated as charges against the 1840 Estimates. On 19 November 1839/47 the Council resolved that in its opinion the Colonial revenue was unequal to maintaining "the large Police and Gaol Establishment, necessary chiefly for the due restraint of British Convicts, without encroaching too heavily on a Fund, the whole amount of which, it is essential to the prosperity of the Colony, should be expended in the encouragement of Immigration...and that one half of the expence...ought to be borne by the British Treasury".

## **1839/8 COMMITTEE ON THE MEDICAL PRACTICE BILL**

*See also 1838/5 Committee on the Medical Practice Bill*

*Background* On 29 May 1838/1 the Governor (*Sir George Gipps*) had introduced *A Bill to Regulate the Practice of Medicine*, the intent of which was "to regulate the admission of properly qualified persons to the practice of medicine". On 7 June 1838/5 the Council resolved "that this Bill be referred to a Sub-committee. to consider, and report their opinion upon the provisions thereof, with leave to examine Evidence if necessary". On 2 October 1838/48 the Attorney General (*John Hubert Plunkett*), as Chairman of the

Committee, reported progress and laid on the table the Evidence taken before the Committee. For a variety of reasons including “the difference of opinion which existed on some portions of the Bill in its printed form, he proposed moving that such clauses only of this Bill should now be passed as were necessary to enable the Act passed earlier in the year *To provide for the attendance of Medical Witnesses at Coroners Inquests, and Inquiries held by Justices of the Peace* to be properly carried into effect”. On 4 October 1838/50 the title was changed from *Medical Practice Bill* to *A Bill to define the Qualifications of Medical Witnesses at Coroners' Inquests and Inquiries held before Justices of the Peace* and as such was passed on 12 October 1838/53, thus losing the primary intent of the original Bill. However, on 11 June 1839/8 the Council resolved that “the Committee of last Session on the Medical Practice Bill be revived”, and the Committee was re-appointed.

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; John Blaxland; Sir John Jamison.

*Report of the Committee* It is unclear whether the Committee met: no report from it has been seen. An amending Bill was considered by the Council in Committee on 16 August 1844/41 and was passed on 23 August 1844/45. A legally qualified medical practitioner was defined as “a doctor or bachelor of medicine of some university, or a physician or surgeon licenses to be admitted as such, by some college of physicians or surgeons, in Great Britain or Ireland, or who is, or has been a medical officer, duly appointed or confirmed, of Her Majesty's sea or land service”. These persons were to be registered by a Medical Board appointed by the Governor.

## 1839/8 COMMITTEE ON THE ABORIGINES QUESTION

*See also 1838/23 Committee on the Aborigines Question*

*Background* The 1838 Committee had felt that it had not been able in the time available to examine as many witnesses as might have been desirable, nor “to direct their own attention so closely to the different points requiring examination, as to be able conscientiously to pronounce an opinion, or to recommend the adoption of any particular course”. However, the Committee had been very strongly against any proposal to relocate the remnant aboriginal population of Van Diemen's Land from Flinders Island to New South Wales on the grounds that they might incite the local aborigines “to acts of violence and rapacity, similar to those by which the colony of Van Diemen's Land was formerly devastated, and rendered almost untenable by the white population”. The Committee had recommended the appointment of a similar Committee in the next Session of the Council, and on 11 June 1839/8 the Council resolved that the Committee be re-appointed.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); John Blaxland; Hannibal Hawkins Macarthur.

*Report of the Committee* No record was found to suggest that the Committee did actually sit. If it did, no report (written or oral) was made to the Council in 1839, 1840 or 1841.

1839/9

## COMMITTEE ON IMMIGRATION

*See 1855/34 for other Committees*

*Background* On 25 June 1839/9 Governor Gipps tabled several papers on Immigration: (1) A letter from J Denham Pinnock,, Colonial Agent for Immigration, on the progress of immigration in 1838; (2) A letter appointing a Board to enquire into the probable causes during 1838 of a greater degree of sickness aboard Government immigrant ships than those fitted out under the Bounty system. The members of this Board had been Pinnock, John Dobie (Health Officer), John Lawrence (Surgeon R.N.), John Nicholson (Harbour Master R.N.), A Fred Montgomery (Major, 50<sup>th</sup> Regiment). The Council resolved to appoint a Committee to enquire generally into immigration.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Hannibal Hawkins Macarthur; *Sir* John Jamison; Phillip Parker King.

*Report of the Committee* The Report was tabled on 12 November 1839/44 and was printed. The Council approved of the recommendations of the Committee and resolved that (1) It was desirable for immigration to continue on an extensive scale: if the funds now applicable to immigration were found to be insufficient, money should be raised in England by way of loans on the security of the Land Revenue of the Colony, or if necessary on the Ordinary Revenue of the Colony, not exceeding £125,000 in each of the next eight years. (2) The importation under the present Government system should be discontinued unless that it could be shown that by careful reduction of expenditure it could be placed on a level with that of the Bounty system as being both cheaper and able to supply labouring people suitable to the wants of the Colonists. (3) All ships bringing emigrants should be conducted on temperance principles. (4) The Governor be requested to forward the resolutions to the Secretary of State (Lord John Russell).

1839/11

## COMMITTEE ON THE FIFTIETH CLAUSE OF THE CUSTOMS GENERAL REGULATION BILL

*Background* In Despatch No. 37 of 16 March 1836 to the Secretary of State for the Colonies, Governor Sir Richard Bourke enclosed a Memorial from the merchants Robert Campbell Jr. and Co., and Sylvester John Brown. Its object “was to procure admission to entry at this Port [Sydney] as British, Produce of certain [whale and seal] oil originally caught by British vessels, but transhipped at New Zealand, and thence brought to Sydney in an American Bottom, in order to avert the dangers and losses apprehended from die circumstances stated in the Memorial. It was, however, impossible to admit the oil as British, the navigation Law clearly pointing it out as having lost this character by its transhipment”. [The Despatch is printed in HRA vol XVIII p 358. with a statement that “a copy of this memorial is not available”.] In order to rectify the anomaly, on 4 July 1839/11 the Customs General Regulation Bill was re-committed and a Committee was appointed “to take into consideration the Fiftieth Clause [of the Bill which stated that trade with New Zealand and the other Pacific Islands was foreign, not coastal]; to inquire into the State of the Law as regards to the advantages secured by Vessels in the Coasting, or Colonial trade, and as to the propriety of entitling to those advantages, Vessels trading between this colony and the other Australian Colonies, and Van Diernen's Land, and likewise New Zealand, and any other Islands in the Pacific Ocean, on which there are no

Public settlements, European or American; and vessels employed in the Whales, Seal, or Sea-Elephant Fisheries; and to examine evidence and report.”

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Hannibal Hawkins Macarthur.

*Witnesses examined by the Committee* Francis Mitchell, merchant, of Sydney; Ranulph Dacre, merchant of Sydney; John Jones, householder, of Sydney; George Weller, merchant, of Sydney; Stuart Alexander Donaldson, merchant. of Sydney; Thomas Walker, merchant, of Sydney.

*Report of the Committee* The Committee reported on 16 July 1839/12: “... New Zealand, and the other Islands in the Pacific Ocean, can be considered in no other light than as Foreign\_Countries; and that the Trade between those Countries and New South Wales, must in consequence, be a Foreign Trade”. The Committee pointed out that if the Council acquiesced in this interpretation, it would “impose a Duty of Five per Cent. *ad valorem* on all Articles, the growth or manufacture of those Countries, imported into New South Wales for Home Consumption ... to ascertain how far such a measure would affect the \*interests of the Merchants of this Colony, many of whom have formed Establishments and vested Capital to a considerable extent in New Zealand”. On the evidence it appeared that such a tax “would not be a matter of much importance, either to the Merchant or to the Revenue, yet the giving a Foreign character to the Oil and Bones taken there, would be highly injurious to the interests of this Colony; inasmuch as those Articles could no longer be exported from hence to Great Britain, except on payment of a Duty of £26 12s. per Tun (which would amount to a prohibition), and which was intended by the Imperial Parliament to be imposed only on Oil taken by the Subjects of Foreign States; and thus the Merchants of this Colony would be deprived of one of their best modes of Remittance to the Mother Country. The consequence would be, that the Fishery would be abandoned by the colonists, and fall altogether into the hands of Foreigners, who already share it largely with us, and are most desirous of wresting it wholly from us”. With the arrival in New Zealand of a British Consul, New Zealand could only be viewed as a foreign country: it was up the Council to consider how the difficulties could be obviated. The Committee believed “that the best course to pursue is the natural and legitimate one regarding the trade with New Zealand, and the other Islands in the Pacific Ocean, as a Foreign Trade; and then to consider how far it is practicable to view New Zealand Oil and Bone as British caught; and if that cannot be, whether it is competent to the Legislature of this Colony to pass a Law exempting a foreign Article from Duty”. The Committee gave its view “that Fish, or Creatures living in the Sea, are the property of those who take them—that when taken by British Subjects in British Vessels and with British Gear, they are, and must be considered, as British caught”. The Committee pointed out that oil manufactured on the shores of Greenland by English Whalers was already admitted in Great Britain as “British caught...But what, perhaps, is of still more importance, is the fact that for many years past, the British Government have adopted New Zealand caught Oil into England on payment of a Duty of One Shilling per Tun, but knowing...that the Oil was taken wholly by British subjects”. The recommendation of the Committee, therefore, was “that the ceasing to consider New Zealand and the other Islands of the Pacific Ocean as within the limits of a Coasting Voyage, will not give a Foreign character to the Oil taken near those Coasts by the British Subjects settled there...and that the Coasting Trade should strictly confined to Voyages along the Coast of New South Wales, extending as far as

Portland Bay to the Southward and Westward, and to Indian Head in Latitude 25 [degrees] to the Northwest and no further, and that all Vessels employed in the Whale, Seal, or Sea-Elephant Fisheries, should be considered as bound on a Foreign Voyage". Trade between New South Wales and Van Diemen's Land "should continue on the same footing as before". The Bill was passed on 24 July 1839/16.

**1839/27 COMMITTEE ON THE AUSTRALIAN GAS LIGHT  
COMPANY'S AMENDMENT BILL**

*See 1837/9 for the Committee on the original Bill*

*Background* Within two years the demand for gas in Sydney had increased to such an extent that additional land and premises were required. On 28 August 1839/27 the Governor tabled *A Bill to amend...An Act for lighting with Gas the Town of Sydney*. The original Act had stipulated that the gas works were not permitted within the town boundaries, but the Company now sought to erect new works in such a location, and to make some administrative changes. There was, however, some concern about public safety.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes, who had chaired the original Committee); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; Sir John Jamison.

*Report of the Committee* The Committee met with Major Barney, Commanding Royal Engineer who was one of the Directors of the Company, James Bryan, the Engineer for the Company, the Company Secretary, Ralph Mansfield, and the Solicitor for the Company, David Poole. The Committee was advised that new methods of working removed the possibility of mishap: this was borne out by reports of gas works in England being successfully located within towns, and accordingly reported to the Council to that effect on 3 September 1839/30. There was no objection to the administrative changes which were sought. The amending Bill was *passed* on 18 September 1839/35.

**1839/38 COMMITTEE ON THE HAWKESBURY BENEVOLENT  
SOCIETY**

*Background* On 25 September 1839 the Governor tabled *A Bill to enable the Members of a certain Society in the Colony of South Wales, denominated The Hawkesbury Benevolent Society, to sue and be sued in the name of their Treasurer for the time-being, and for other purposes therein contained*. He "also laid upon the Table, certain clauses, regulating the constitution of the Society, and the appointment of Office-Bearers, originally forming a part of the Bill, but subsequently expunged at a General Meeting, of the Society". At its first reading the Bill was referred to a Committee which was given "instructions to obtain proof of the allegations contained in the preamble of the Bill, and if necessary to hear evidence, and amend the same; and to report the expediency, or necessity, of adopting the clauses referred to, and of granting to the Society the power to hold Land to an unlimited extent".

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Attorney General (John Hubert Plunkett); Hannibal Hawkins Macarthur; Alexander Berry; Phillip Parker King.

*Report of the Committee* The Committee reported on 3 October 1839/39 and the Report and Minutes of Evidence were left to lie on the Table. The Report was probably not printed: it does not appear in the 1839 volume of the Votes and Proceedings. On 29 October 1839/43 “the Governor informed the Council, that deeming further alterations in this Bill to be necessary, than could be conveniently accomplished during the present Session, he purposed now withdrawing the same, and proposed, in lieu thereof, to bring forward at the next Session, a Public Bill to accomplish similar objects”. This revised Bill was tabled by the Governor on 28 May 1840/1. On 16 June 1840/5 Hannibal Hawkins Macarthur presented a Petition from the Officers and Members of the Hawkesbury Benevolent Society which stated objections to several of the clauses of the Bill...Among the clauses objected to was the prohibition of holding land except by grant from the Crown; the election of Trustees; voting rights of Members; and especially the clause which authorized the appointment of Visitors who in certain circumstances when the financial assets and income of the Society reached high levels could report to the Governor and Executive Council who could then “appropriate a portion of such funds to other Charitable or useful Public purposes within a limited distance”. The Petition was received and read, but not printed. The Bill was *passed* on 21 July 1840/18. It is unclear as to whether the 1839 Committee was involved. Clause VI of the Act (4 Vic. no.3) maintained the prohibition to holding land except that granted by the Crown, “except what may absolutely required for the purpose of building a house or houses for receiving the persons to be relieved by the said Society”. The land belonging to the Society was to be vested in Trustees who were named; voting rights were restricted to financial members of more than one year's standing; and the appointment of Visitors and the provision that surplus or excessive funds could be diverted to the relief of the poor or for other charitable purposes in the Districts of Windsor, Richmond, Pitt Town, Wilberforce, and the Lower Hawkesbury was retained in the Act.

**1839/41            COMMITTEE ON THE SYNOD OF AUSTRALIA  
ESTABLISHMENT BILL, also referred to as THE  
PRESBYTERIAN CHURCH ACT AMENDMENT BILL**

*Background* While there were Scottish Presbyterians in the Colony from 1788 onwards (the Captain of the First Fleet transport Sirius, and later Governor, John Hunter, for instance), it was some years before there were any ordained Presbyterian clergymen, although the Church of England had its Ministers from the beginning. By 1802 James Mein, described as a catechist, was ministering to a small group of Presbyterians, but the first ordained Presbyterian clergyman was the Reverend John Dunmore Lang who arrived in Sydney in 1823, followed by the Reverend John McGarvie in 1826. From the late 1700s the established Church of Scotland had been divided into two major parties, the so-called Moderates who were largely appointed by patronage, and the Evangelicals, some of whom in time became the Free Presbyterian Church. McGarvie belonged to the former, while Lang was primarily an Evangelical and was later strongly opposed to any form of State aid to his church. The disagreements which grew up between these two men led to a conflict between the two factions in the early Presbyterian Church in New South Wales, largely on matters of Church governance. The five Presbyterian Ministers in the Colony formed the Presbytery of New South Wales in 1832, but in 1837 Lang led

a breakaway movement which led to formation of the Synod of New South Wales, claiming complete authority over its nine members, with no appeal to the parent Church of Scotland allowed; the Presbytery continued to exercise its control over the remainder. On 15 October 1839/41 Governor Gipps remarked to the Council “that the unhappy schisms which have for some time existed in the Presbyterian Church of this Colony were well known, and that the Council were not ignorant of the endeavours which he had made to heal those schisms, and of his continued desire to accomplish that object; his anxiety for which (notwithstanding the late period of the Session, and his knowledge that the Bill which he was about to present, did not meet with the unanimous approbation of the Presbyterian Body, which would cause some delay by rendering it necessary to refer it to a Committee) induced him now to lay before the Council *A Bill to amend...An Act to regulate the Temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the Colony of New South Wales*”. He added that those in favour of the Bill saw “its objects to be the promotion of Union among all the Members of the Presbyterian Church in the Colony, and the substitution of a Synod, for the Presbytery, as the Governing Body of that Presbyterian Church”. On the other hand, those opposed saw “the object of the formation of a Synod to be, to enable the Members of it to throw off the jurisdiction of the Church of Scotland, and to form themselves into an Independent Church”; if this were the case, the formation of a Synod ought to await approval of the General Assembly of the Church of Scotland.

*Members of the Committee* The Attorney General [John Hubert Plunkett]; The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Robert Campbell, sr.; Richard Jones

*Report of the Committee* The Reverend John McGarvie had petitioned against the Bill, and his Petition was presented to the Council on the same day as the Bill was tabled (15 October 1839/41). On 29 October 1849/43 Sir John Jamison presented “a Petition from certain Presbyterians resident in Sydney in support of the proposed Synod of Australia”. The Committee reported on 29 October but was probably well aware of the content of both Petitions. The Committee wisely advised that “It appears to your Committee, that no Legislative Enactment to carry into effect the proposed change in the Presbyterian Church of the Colony, can be satisfactory and permanent, until the views of the Parent Church be ascertained on the controverted points of Church discipline: Your Committee therefore recommend that the Bill submitted to them be, for the present, withdrawn”. The Committee was aware “that communications conveying the opinion of the Church of Scotland on those points may soon be expected to arrive in the Colony”, which, if they removed the objections to the Bill, might allow it to be re-introduced. The Committee also noted the “spirit of reconciliation pervading the two Bodies of Presbyterian Ministers in the Colony”, and recommended the payment of salaries to the Ministers as provided for in an Act passed in 1838. The Report was ordered to be printed, (although it was not included in the consolidated volume of the Votes and Proceedings for 1839), and was considered by the Council on 12 November 1839/44. The Governor concurred with the advice of the Committee and the Bill was withdrawn “until the sentiments of the Parent Church be ascertained”. It was reintroduced in the following session and *passed* on 7 October 1840/43. It provided that, on the recommendation of the Commission on the General Assembly of the Church of Scotland, and with the agreement of the Presbytery of New South Wales, the Synod of Australia in connexion with the Established Church of Scotland should be formed; and that all powers, privileges, and advantages previously conferred on the Presbytery of New South Wales should be vested in the Synod. Dr Lang had left on an extended visit abroad

before the union took place, but on his return in 1841 subscribed to the union and was admitted to the Synod. However, in early 1842 he resolved to dissociate himself from the Australian Church, but was prevailed on by his congregation at Scots Church in Sydney to remain, on condition that the congregation would renounce connection with the State (in relation to State aid), and with the Synod of Australia in connection with the Established Church of Scotland. In a series of unpleasant legal actions Lang was suspended from the exercise of his ministry in April 1842 by the Synod; the sentence of deposition was referred to the Scottish church authorities and confirmed, but following appeals by Lang his deposition was rescinded. He was not, however, readmitted as a member of the Synod of Australia and became associated with a new Synod of New South Wales ('Dr Lang's Synod'). The Synod of New South Wales, the Synod of Australia, the later Free Church Synod of Eastern Australia, and the United Presbyterian Congregation all united in 1865 to form the Presbyterian Church of New South Wales. Almost all of the Presbyterian churches in all the Colonies united in 1901 as the Presbyterian Church of Australia.

## Session of 1840

1840/2

### COMMITTEE ON THE ORDNANCE PROPERTY BILL

*Background* A circular Despatch from the Secretary of State for the Colonies in 1836 had transmitted a draft Bill to be enacted which would vest in the Principal Officers of Her Majesty's Ordnance all lands occupied for Military purposes in the Colony. Governor Gipps in his Despatch No. 150 of 26 September 1838 replied: "The Bill, I regret to say, met with such a decided opposition, both in the Council and out of doors, that...I judged it to be for the advantage of Her Majesty's service and for the peace of the Colony that I should not attempt to carry it further, and I accordingly withdrew it". The opposition was largely on the grounds that it was popularly supposed that the land, about 15 acres, and occupied by the Military Barracks which were to be moved elsewhere, would be disposed of by the Ordnance Officers "without any regard to the advantage of the Town", and that "there were other portions of ground in Sydney now open to the Public, which would be claimed by the Ordnance Officers". Gipps said that "in this excited state of the Public mind, it was quite in vain that I explained in Council the true nature of the Bill, that it was only one of official arrangement, and introduced with no other object whatsoever in view than to facilitate the transaction of Public business". In a further Despatch the next day Gipps went on to explain that "the land occupied by the old Barracks...being situated in the best part of the Town is very valuable". He then went on to propose ways in which the land might be disposed of. "Under all the circumstances of the case, it appears to me probable that the Board of Ordnance would not object to give over the present Barracks and the land they stand on to the Colony, on condition of being put in possession of the land on which the new ones are to be built, and a sum of money sufficient to pay for the building of them. The Board would, by such an arrangement, be relieved from any difficulty in disposing of the land, and the charge of laying it out for the advantage of the Public would devolve on the Local Government, which may be presumed to be better able to satisfy the reasonable demands of the Public than the Board of Ordnance". The Governor laid before the Council on 8 May 1840/1 *A Bill for vesting all Estates and Property in the Colony of New South Wales occupied for the Ordnance Service, in the Principal Officers of Her Majesty's Ordnance, and for granting certain Powers to together with the above correspondence*. On 2 June 1840/2 a Committee was appointed "To take into consideration, the Correspondence on the subject of the Ordnance Bill presented by His Excellency the Governor on the 28th Ultimo, and to report to the Council on the expediency of entering into an arrangement for the removal of the Military Barracks, and the surrender to the Colony, of the ground on which they stand in George Street, Sydney, on the conditions stated in the Correspondence".

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; Sir John Jamison.

*Witnesses examined by the Committee* Major George Barney (Commanding Royal Engineer); Mortimer William Lewis (Colonial Architect); John Blackman, Auctioneer; Isaac Simmons, Auctioneer.

*Report of the Committee* The Colonial Secretary as Chairman of the Committee brought up the Report to the Council on 16 June 1840/5 and tabled the Minutes of Evidence. The Committee was of the opinion "that it will be not less advantageous for the general convenience of the inhabitants than in a military point of view, that the Barracks should

be removed from so dense a neighbourhood as that of the present site, which, being thrown open to purchase, will form so eligible a locality for Commercial and other businesses...Under all the circumstances...your Committee is disposed to recommend...the acceptance of the proposal of the Board of Ordnance...by which the expense of the new Barracks will be charged on the Land Revenue, in consideration of the old Barracks, and the Land belonging to them, being given up by the Ordnance Department to the Local Government, to be disposed of in Town Allotments, provided, however, that a sum not exceeding £60,000 be required from Colonial funds..." The Report and Minutes of Evidence together with a site plan were printed. Following the presentation of the Report, the *Ordnance Vesting Bill* had its second reading on 17 June 1840/6, was amended, and read a third time and *passed* on 2 July 1840/12.

## 1840/15      **COMMITTEE ON THE MASTERS AND SERVANTS ACT AMENDMENT BILL**

*Background* The *Act for the better regulation of Servants, Labourers and Work people* (later popularly referred to as the *Masters and Servants Act*) had been passed on 17 July 1828/10. An amending Bill was introduced into the Council by the Governor on 14 July 1840 and was referred to a Committee "with instructions to enquire and report on the Bill generally, and particularly whether any expence incurred under it in the prosecution of hired servants failing in their engagements, should not be borne by the persons prosecuting them, instead of by the Public".

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); Richard Jones, Hannibal Hawkins Macarthur, Sir John Jamison.

*Report of the Committee* The Colonial Secretary as Chairman of the Committee brought up the Report in the Council on 8 September 1840/33. The Committee reported that it appeared from the provisions of the New South Wales Act, "enactments similar in principle have been passed with reference to Servants hired by indenture in Great Britain, or in this Colony, for service in this Colony; the Committee concur in the propriety of making the parties to any case liable for all expences attendant on its adjudication; the Committee have prepared clauses giving jurisdiction to Magistrates to determine in cases of ill-behaviour in Servants in the same way, and punishable in the same manner, and indented Servants under the New South Wales Act; and for determining all complaints, differences and disputes between Master and Servants, as provided in the same Act; it appears to the Committee that one of the greatest objections hitherto, to the operation of the present Master and Servants Act is, the want of proper Gaols and Houses of Correction throughout the Colony, and the consequent necessity of sending Servants from great distances in the Interior under escort with Convicts, from whom it has been impossible to separate them during the period of their punishment; under which circumstances the Committee have prepared a clause to exempt Female Servants from imprisonment; the Committee further recommend that a Bill should be introduced for adopting the Laws in force in England for the prevention of illegal combinations". When the Bill received its second reading on 7 October 1840/43 the title was altered to *A Bill to ensure the fulfillment of engagements, and to provide for the settlement of disputes between Masters and Servants in New South Wales and its Dependencies*. The Bill was *passed*, incorporating the recommendations of the Committee, on 20 October 1840/48.

## 1840/17 COMMITTEE ON IMMIGRATION

*See also 1855/34 for the dates of all the Immigration Committees*

*Background* Following the establishment of New South Wales as a convict settlement in 1788, the first eleven free immigrants arrived in 1793, but until about 1830 the majority of new arrivals in the Colony continued to be convicts. Some of these convicts were assigned as servants, shepherds and farm labourers to the growing number of free settlers and emancipated convicts. However, the demand for labour had become so great that the Home Government in England embarked on a series of schemes intended both to alleviate the condition of the unemployed labouring classes, particularly in the agricultural counties of Britain, and to provide labour for the free settlers in Australia. The first Committee of the Council to consider the subject of Immigration was appointed in February 1832, and there were Committees in most of the subsequent years. 1835, 1837, 1838, 1839, 1840 (re-appointed in 1841), 1842, and 1843 and later years, up to 1855.. On 16 July 1840/17 Governor Gipps laid before the Council a number of papers on the subject of Immigration which he proposed to refer to a Committee to be appointed with the same powers as the 1839 Committee. The papers were (1) A circular from Lord John Russell (Secretary of State for the Colonies) dated 31 January 1840 transmitting printed copies of the Commission appointing T F Elliot, Esq., Robert Torrens, Esq., and The Hon. Edward E Villiers as Land and Emigration Commissioners; The Instructions to these Commissioners; A Commission revoking the Commission of the South Australian Commissioners and appointing Torrens, Elliot and Villiers as Colonization Commissioners for South Australia. (2) A Despatch from Lord John Russell, No. 18 of 12 February 1840 enclosing a return of last year's Emigration in Government Ships to New South Wales, and offering observations on the Emigration of the past three years. (3) A Despatch from Lord John Russell, No. 25 of 22 February 1840 with a copy of a letter from the late Agent General for Emigration dated 18 January 1840, to James Stephen, containing Mr Elliot's Observations on the General Report of Mr Pinnock, the Agent for Emigrants at Sydney. (4) A Return dated 3 March 1840 of Copies of any Report from the Agent General for Emigration; copies of correspondence between the Secretary of State for the Colonies and the Governors of the Australian Colonies respecting Emigration, since the papers presented to the House of Commons on 15 August 1839; copy of General Return of Emigration for the year 1839.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Hannibal Hawkins Macarthur; Sir John Jamison; James Macarthur.

*Witnesses examined by the Committee* Francis Kemble, a Director of the Australian Sugar Refining Company; P Laurentz Campbell, Acting Colonial Treasurer; William Jaques, Auctioneer; James Denham Pinnock, Emigration Agent; George Miller, Accountant of the Savings Bank.

*Report of the Committee* The Committee reported on 2 September 1840/32. It said "The necessity of an extensive and continual introduction of productive labour to keep pace with the growing wants of the Colony, and to maintain and extend its prosperity, is now so universally felt and unanimously admitted, that it would have been only a waste of time if your Committee had called any further evidence to establish what may be deemed perfectly self-evident. They therefore proceed at once to the conclusion that no amount

of funds likely to be devoted to the purpose of introducing useful artizans [*viz*], or labourers of any description, can be expected even to meet, much less to outrun, the demand which now exists for additional hands in every department; whether of trade, agriculture, or domestic life. The principal object of your Committee has accordingly been to continue, in connexion with previous Reports, a review of the working and result of the system under which Immigrants have been during some years past introduced into the Colony". The Committee went on to refer to a report that "the disposition to emigrate to New South Wales had suddenly declined in the Country generally... This alteration in the feelings of the people, as evinced especially in those parts of Kent and Sussex in which the proposal to emigrate had been before most favourably received, is attributed to a concurrence of several causes which have had a pernicious effect on the people's minds; more especially reports, with which the newspapers have teemed, respecting the severe and long-continued drought in the Colony, the consequent high price of provisions, with a corresponding unwillingness on the part of the Colonists to employ more working hands than absolutely required by their necessities". The Committee therefore concluded that these erroneous reports should be countered, particularly by the circulation of a document which showed conclusively that the emigrants aboard the ship *James Pattison* which had failed to obtain its proper complement of passengers, on arrival in Sydney, "so great was the demand for labour that it was with the utmost difficulty the Immigration Agent could prevent persons from engaging the Immigrants even before their disembarkation". An Appendix to the Report showed the occupations of the male and female emigrants and the wages at which they had been engaged. The Committee had compared the costs of the Government System of Immigration (£20 2s for each individual), with the Bounty System (£14 10s 8d for each individual), and noted that the Government System introduced a larger proportion of children. However, if the Bounty System did not produce an adequate number of immigrants, "it would be highly desirable that vessels should be chartered on account of Government". The Committee had also examined the revived proposal for importing Hill Coolies from India to work as shepherds, and while it "could not, under any circumstances, recommend that any Bounties should be granted on the introduction of that race of people...are compelled unwillingly to express their opinion that, under the pressure of severe necessity, and every other resource having failed, it would be advisable to revoke the prohibition which is now in force against the employment of the Coolies, for a limited period, by colonists, who might be willing to introduce them at their own charge, and who would give security for their return to their native country, at the expiration of their covenanted terms of service". It went on to say that "the state and prospects of the Land Revenue cannot but be the source of much interest and anxiety". An Appendix to the Report showed "the continued sufficiency of the resources from which the funds applicable to the introduction of Immigrants must proceed". The Committee was strongly of the view that the sale of land by public auction was preferable to any system of sale by a fixed price, particularly to persons still resident in England who would be given the right to select to that value any Crown Land even if already occupied and improved under licence. Finally, the Committee expressed its approval "of the valuable services that have been rendered to the cause of Emigration, and consequently to the best interests of the Colony, by the late Agent General Mr [T F] Elliott. From the time of his appointment, a marked improvement took place in the whole system of Emigration...chiefly attributed to the Code of Regulations drawn up by Mr Elliott with great judgment and ability, for the guidance of the Surgeons-Superintendent, and other officers employed on board the Emigrant Ships". On 23 October 1840/49 the Council adopted a series of Resolutions which had been proposed by Richard Jones, and requested that the Governor forward them to the Secretary of State for the Colonies. In

summary, these Resolutions were: (1). That the Council concurs in and adopts the opinions of the Committee. (2). That the Council especially concurs in the statement of the Committee, “that there exists throughout the Colony an urgent and increasing want of working hands...[and] that there is ample employment for Emigrants”. (3). That “the high prices of provisions in times of occasional drought are felt rather by the employers of labour than by the servants themselves, it being the practice...for Masters to supply their Servants and families with provisions...in addition to the wages”. (4). That “this Council cannot but view with apprehension, the check which must be given to the advancing prosperity of the Colony, unless the urgent demand for labour which exists in every part of the Colony, be promptly and effectually supplied”. (5). That it be “a condition in each promise of bounty, that a return be made quarterly to the Land and Emigration Board in London, of the number and description of persons sent out under it, in order that in the event of the aggregate number proving less than required, ships may be chartered by Government, or other means adopted, to provide for such deficiency”. (6). That “it is highly desirable that all ships in which Emigrants may be brought to this Colony...should be conducted on Temperance principles”. (7-13) were a series of resolutions which pointed out the continued and increasing prosperity of the Colony; and that the “unfavourable representations of the Moral condition...are altogether unfounded, as respects the Emigrant and Native Born Inhabitants, and greatly exaggerated as regards circumstances attributable to the Penal character of the Colony alone”. (14) That sale of land by public auction “is the best mode of obtaining the real value” and will enable the bona fide settler to gradually purchase land. The Report was printed.

**1840/19 COMMITTEE ON THE AUSTRALIAN SUBSCRIPTION LIBRARY BILL**

*See also 1834/12*

*Background* A meeting of prominent citizens of Sydney held on 3 February 1826 had resolved to form the Australian Subscription Library. It was open only to its members who had contributed the funds by means of shares. Some had also contributed books from their own personal libraries. It was then, and still was in 1840, anything but a public library. This was evidenced by a private *Bill to render Shares in the Australian Subscription Library, not transferable* which was introduced into the Council by the Governor on 28 July 1840/19. Upon its first reading it was referred to a Committee of the Council. The instructions were to consider, and report upon, the provisions of the Bill, and to examine Evidence if necessary.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Hannibal Hawkins Macarthur; James Macarthur.

*Report of the Committee* The Committee reported on 4 August 1840/21. The Report was not ordered to be printed, from which it may be inferred that it was in no way controversial. The Bill received its third reading and was passed on 12 August 1840/25.

**1840/19 COMMITTEE ON THE SYDNEY BANKING COMPANY BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 28 July 1840/19 the Governor introduced *A Bill to simplify proceedings at Law, and in Equity, by The Sydney Banking Company, and for other purposes*. Upon its first reading the Bill was referred to a Committee, with instructions to consider, and report upon, the provisions of the Bill, and to examine Evidence if necessary.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell; Richard Jones; Alexander Berry.

*Report of the Committee* The Votes and Proceedings for 1840 do not record the tabling of the Report, but the Bill received its second reading on 5 August 1840/22; it may be assumed that the Report was not controversial. The third reading of the Bill was set down for 12 August 1840/25 but was deferred first to 19 August 1840/27 and then to 25 August 1840/28 and again to 1 September 1840/31 when it was *passed*. It is at least possible that the delay was related to the consideration of the *Bank Liabilities and Assets Publication Bill* which received its second reading on 25 August 1840/25 and was then amended; this Bill was finally *passed* on 23 September 1840/38. However, the delay on the *Sydney Banking Company Bill* might equally be attributed to Government legislation taking precedence over private Bills.

#### **1840/19 COMMITTEE ON THE GENERAL STEAM NAVIGATION COMPANY**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 28 July 1840/19 the Governor introduced *A Bill to simplify proceedings at Law, and in Equity, by, or against The General Steam Navigation Company, and for other purposes*. Upon its first reading the Bill was referred to the already appointed Committee on the Sydney Banking Company Bill *for which see above* 1840/19. The instructions were to consider, and report upon, the provisions of the Bill, and to examine Evidence if necessary.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell; Richard Jones; Alexander Berry.

*Report of the Committee* The Votes and Proceedings do not record the tabling of the Report, but the Bill received its second reading on 5 August 1840/22; it may be assumed that the Report was not controversial. The Bill received its third reading on 12 August 1840/25 and was *passed*.

#### **1840/21 COMMITTEE ON THE PORT PHILLIP BANK BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 4 August 1840/21 the Governor introduced *A Bill for facilitating proceedings by, and against the Banking Company called The Port Phillip Bank, and for other purposes therein*

*mentioned.* Upon its first reading the Bill was referred to the already appointed Committee on the Sydney Banking Company Bill *for which see above* 1840/19. The instructions were to consider, and report upon, the provisions of the Bill, and to examine Evidence if necessary.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell; Richard Jones; Alexander Berry.

*Report of the Committee* The Votes and Proceedings for 1840 do not record the tabling of the Report, but the Bill received its second reading on 1 September 1840/31; it may be assumed that the Report was not controversial. The third reading of the Bill was set down for 8 September 1840/33. The record of the day's Proceedings does not mention the passage of the Bill, but this is the date given in the Acts and Ordinances of the Governor & Council of New South Wales. Syd. Govt. Pr. 1844-1852.

#### **1840/21 COMMITTEE ON THE MELBOURNE FIRE AND MARINE ASSURANCE COMPANY BILL**

*Background* As the Colony progressed, many institutions which were in essence private companies found it necessary to make it possible in law to sue and to be sued. In general, this could be accomplished only by means of a private Bill passed by the Legislative Council. On 4 August 1840/21 the Governor introduced *A Bill to enable the Proprietors of a Joint Stock Company carried on in the Town of Melbourne, under the Name, Style, and Firm of the Melbourne Fire and Marine Assurance Company, to sue, and be sued, in the in the Name of the Chairman of the said Joint Stock Company for the time being, and for other purposes therein mentioned.* Upon its first reading the Bill was referred to the already appointed Committee on the Sydney Banking Company Bill *for which see above* 1840/19. The instructions were to consider, and report upon, the provisions of the Bill, and to examine Evidence if necessary.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell; Richard Jones; Alexander Berry.

*Report of the Committee* The Votes and Proceedings for 1840 do not record the tabling of the Report, but the Bill received its second reading on 12 August 1840/25; it may be assumed that the Report was not controversial. The Bill received its third reading on 20 October 1840/48, (its consideration having been postponed on a number of previous sitting days, which may have meant that it was not considered to be of high priority) and was *passed*.

#### **1840/21 COMMITTEE ON THE CENSUS BILL**

*Background* Censuses or musters to record the number of persons in the Colony had been carried out in 1828, 1833 and 1836. On 4 August 1840/21 the Governor introduced *A Bill for ascertaining the Number of the Inhabitants of the Colony of New South Wales, in the year One thousand eight hundred and forty.* At its first reading the Bill was referred to a Committee, with instructions “to consider the provisions of the Bill and the Questions contained in the Schedules annexed thereto, and to report whether they can suggest any amendments thereupon, or deem it advisable to require any further information to be afforded”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Alexander Berry; Hannibal Hawkins Macarthur; James Macarthur.

*Report of the Committee* On 29 September 1840/40 the Colonial Secretary as Chairman brought up the Report in the Council: it is summarized in the record of the day's Proceedings. The Committee was "strongly impressed with the importance of obtaining much more extended information than has been procured in any former enumeration of Population in this Colony". The Committee noted that in the previous Census the only subdivision in respect to age was that of persons above and under 12 years. It recommended that there should be the following age classes: under 2 years, under 7 years, between 7 and 14 years, between 14 and 21 years, between 21 years and 45 years, between 45 and 60 years, and above 60 years. The Committee further recommended "that the following information be obtained: (1) The number of Males and Females, married and single. (2) The condition of Males and Females, separately, under the following heads:---Born in the Colony---Arrived Free---Free by Pardon---Free by Servitude---Convicts holding Tickets of Leave---Convicts in Government Employment--and Convicts in Private Service. (3) Religion, divided as follows:---Church of England; Church of Scotland; Wesleyan Methodists; other Protestant Dissenters; Roman Catholics; Jews; Mahometans and Pagans. (4) Occupation, under the following heads--Landed Proprietors, Merchants, Bankers, and Professional Persons---Shopkeepers and other Retail Dealers---Mechanics and Artificers---Shepherds and others in the care of Sheep---Gardeners, Stockmen, and Persons employed in Agriculture---Domestic Servants---all other Persons not included in the foregoing classes". The Committee observed that "by this means the number of individuals actually employed in each branch of profession or industry will be ascertained, whilst the Females and Children, not following any particular occupation will be classed in the last subdivision. Following the precedents of England, the Committee think it desirable also to obtain the number of Houses subdivided as follows:---Stone or Brick---Wood---Finished----Unfinished---Inhabited---Uninhabited. The Committee propose that the care of superintending the taking of the Census should be confided to the Police Magistrates, in the several Police Districts, and in those Districts where there may happen to be no Police Magistrate, to the Justices assembled in Petty Sessions, at the chief place of the District---and in parts beyond the boundaries of location, to the Commissioner in each District. As it is of great consequence that intelligent and trustworthy persons should be employed to collect the information, under the direction of the Magistrates, the Committee recommend that a sufficient remuneration be paid, to allow of properly qualified persons being appointed". The Committee did not make "any provision in the Bill for taking the Census in New Zealand, as they are not aware that any sufficient machinery at present exists, which could be made available for that purpose..." The *Census Bill* was read a third time and *passed* on 23 October 1840/49. However, the Governor found it necessary to call a meeting of the Council on 8 December 1840/50 to receive and consider a letter from the Chief Justice (Sir James Dowling) and Mr Justice Stephen, in which they expressed an opinion that some of the provisions of the Act were "repugnant to the Law of England". The letter was ordered to be printed, and reference should be made to it for the arguments put forward. In essence, the Judges objected to the asking of the question "have you ever been transported?" not only to a free person himself, but also in relation to that person, of any other person in the district. The Judges' letter was considered by the Council on 11 December 1840/52 and again on 14 December 1840/53 when the Council resolved that while it "do adhere to the same", that is that it stood by the Act as

passed, nevertheless resolved that “a Clause be added to the Act, by way of Rider, declaring that no person has any power under its provisions to put to any other person any question respecting his or Civil condition, and that no person to whom any such question may be put, shall be liable to be fined for refusing to answer the same”. This additional clause was *passed* on 16 December 1840/54. The Census enumeration took place during the first months of 1841 and the Census is therefore properly that of 1841. The abstracts of the Census returns were tabled on 25 August 1841/16 and were printed.

**1840/21 COMMITTEE ON LAND IN MACQUARIE PLACE  
REQUIRED IN CONNECTION WITH THE NEW CIRCULAR  
QUAY**

*Background* On 12 July 1833 the Council appointed a Committee ‘to examine certain plans and reports relating to the construction of a Quay at the Head of Sydney Cove, and to report upon the practicability of the undertaking, the advantage to be derived from it, and the probable expense’. For this Committee *see above* 1833/25, Committee to examine a proposal for Quay at the Head of Sydney Cove; and for a later Committee *see above* 1836/11, Committee on the Plan and Estimate for a new Government House, and the erection of a Wharf at the Head of Sydney Cove, and the Plan and Estimate for the Gaol at Darlinghurst. Part of the access to the proposed new wharf would be through privately owned land in Macquarie Place which it was proposed to purchase. On 4 August 1840/21 the Governor tabled a letter from the Colonial Engineer Major Barney dated 21 July which enclosed a letter from Mr Prosper De Mestre dated 15 July, “in reference to Land in Macquarie Place which, in February 1839, it had been under contemplation to purchase along with other adjacent Land, with a view towards the erection of a Circular Quay, and other improvements near the same”. The Governor proposed referring the letters to the same Committee which had been set up on 14 February 1839/1 to examine these matters. For this Committee *see above* 1839/1 Committee on Purchase of Land required for the proposed Circular Quay.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Sir John Jamison; Robert Campbell; James Macarthur.

*Report of the Committee* The Committee reported on 22 September 1840/37. The Report, which is summarized in the record of the day's Proceedings, set out the basis of the valuations which had been submitted to the owners of the land. However, the Committee had “not succeeded in making any satisfactory arrangement with the Proprietors” of the properties in question”. The Committee recommended as that the lines of the principal Streets running North and South, with the exception of Pitt Street, may be carried down to the Quay through Public Land, and without in any way affecting the Properties in Macquarie Place, and as this and the formation of the Quay are the improvements which, in a public point of view, are the most essential...that the Cross Streets, except where they may be carried through Public Property, should be abandoned, unless the Proprietors, as is most probable, should deem it for their advantage to continue the streets through their Allotments, according to the Plan proposed by Major Barney and Mr Perry". A Bill should be introduced to appoint Commissioners to carry into effect the work and to arbitrate if needed on property disputes. “The Bill should expressly provide, that while on the one hand the injury to the party is estimated, the benefit accruing to him by the improvements effected at the Public expense, should also

be allowed by way of set-off". They thought it would equitable to give the Parties whose properties adjoined any Land redeemed from Sydney Cove "the right of pre-emption at a fair value...according to this Plan, there would not perhaps be the necessity for any outlay of Public Money by way of Compensation; but in order to avoid the possibility of a large expenditure without the express authority of the Legislature, the Committee recommend, that if ultimately it should be determined that any sum be paid to the Proprietors, it should only be done with the approval and consent of His Excellency the Governor and the Legislative Council. The Committee observe, that in arriving at the foregoing conclusion, it is upon the express understanding, that the whole of the improvements connected with the Circular Quay according to the modified plan, are to be proceeded with, otherwise, the measures they have recommended would be futile and unnecessary". The construction of the Quay and associated reclamation work was completed in 1854.

**1840/30 COMMITTEE TO PREPARE ADDRESSES OF CONGRATULATION TO HER MAJESTY THE QUEEN AND PRINCE ALBERT ON THE OCCASION OF THEIR MARRIAGE**

*Background* The marriage of Queen Victoria and Prince Albert took place on 16 February 1839. On 27 August 1840/30, on the motion of Mr H H Macarthur, seconded by the Colonial Secretary, the Council requested the Governor to appoint a Committee to prepare "Addresses of Congratulation to Her Most Gracious Majesty the Queen Congratulation, and His Royal Highness Prince Albert, on the Auspicious Event of the Marriage of Her Majesty with His Royal Highness the Prince."

*Members of the Committee* The Chief Justice (James Dowling); The Lord Bishop of Australia (William Grant Broughton); The Commander of the Forces (Major-General Sir Maurice Charles O'Connell); Richard Jones; Hannibal Hawkins Macarthur; *Sir* John Jamison.

*Report of the Committee* The Chief Justice as Chairman of the Committee brought up the Report on 1 September 1840/31. The draft Addresses are printed in the record of the day's Proceedings. On the motion of the Chief Justice the draft Addresses were approved and adopted, to be signed by the Members of the Council. The Governor was requested to transmit them to the Secretary of State for the Colonies (Lord John Russell) for presentation to the Queen and Prince Albert. However, there appear to have been second thoughts about the wording of the Addresses, since they appear again on the Notice Paper for consideration on 24 September 1840/39; after consideration by the Council in Committee on that date; amended and somewhat shortened versions were adopted for transmission to the Queen and Prince Albert via the Secretary of State.

**1840/47 COMMITTEE ON THE LEGISLATIVE COUNCIL LIBRARY**

*See also 1843(2)/10 for a later Committee*

*Background* On 16 October 1840/47 the Governor reminded the Council that a sum of £300 had been appropriated towards the formation of a Library for the Council, and proposed the appointment of a Committee to carry this into effect.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Attorney General (John Hubert Plunkett); The Auditor General (William Lithgow); Sir John Jamison; James Macarthur.

*Report of the Committee* The Committee reported on 23 October 1840/49; the Report is summarized in the record of the day's Proceedings. "Attention should be in the first instance directed to procure such books of reference...[as] may enable Members to find within their own walls, that information concerning the various questions in debate, which they are now under the necessity of deriving from widely scattered sources." A List of Books was annexed (but is not printed in the Proceedings) which the Committee suggested could serve as the foundation of a collection. A later Committee *for which see below* 1843(2)/10 apparently thought that what had been purchased was less than satisfactory.

## Session of 1841

### 1841/1 IMMIGRATION COMMITTEE

*For other Immigration Committees see 1855/34*

*Background* In his Address to the Council on the first sitting day of the 1841 Session, 8 June, the Governor remarked that “A more abundant supply of Labour is, undoubtedly, the one great thing wanted in the Colony, for without Labour no wealth can be produced, no Capital can be profitably employed. I shall propose to the Council immediately to re-appoint the Committee on Immigration, and I have some important papers to lay before it”. The Committee was appointed on 8 June 1841/1 with the same membership as in 1840, with the addition of Richard Jones, “to consider the Question of Immigration generally, with a view of ascertaining the present and prospective demands of the Colonists for Labour, and how the same may be most effectually and economically met, with instructions to examine Evidence, and report”.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Hannibal Hawkins Macarthur; Richard Jones; Sir John Jamison; James Macarthur.

*Witnesses examined by the Committee* Sir Thomas Livingston Mitchell, Surveyor General; John Mackay, Esq., late of Bengal, Indigo Planter and Merchant, now of Sydney; John Lord, of Sydney, Merchant and Landowner; Charles Campbell, of Sydney; Edward Hamilton. In addition to the above who gave evidence in person before the Committee, and whose evidence is appended to the Report, there are also printed replies to a circular letter “on the subject of the Aborigines, addressed to Gentlemen residing too remote from Sydney, to expect the favour of their personal attendance upon the Committee”. The replies were from the *Revd* Joseph Docker; Henry Bingham, Commissioner of Crown Lands, Police Station, Tumut River; Graham D Hunter, Commissioner of Crown Lands, District of Bligh; William Ryrie, of Yerong on the Yarra Yarra; James Walker, of Wallerawang; Edwin Rouse, of Guntewang, near Mudgee; G B Boulton, of Native Dog Creek; Benjamin Barber, of Hume River; J J Phelps, of Wellington; J W D Passmore, of Molong Nyrang; William Roadknight, of South Geelong; John Rae, of Hume River; T Aubrey Murray; P P King, Commissioner for Managing the Affairs of the Australian Agricultural Company; John Peter, of Yass; George Shelley, of Tumut; Thomas B Wilson, of Braidwood; Hugh Murray, of Lake Colac; Alexander F Mollisson, of Melbourne, Port Phillip; Alexander Thomson, a resident of six years amongst the Aborigines of Australia Felix and formerly Colonial Surgeon of Port Phillip; F Mackenzie, of King-Parrot Creek, Goulburn River, Melbourne; H Oakes, Commissioner of Crown Lands.

*Report of the Committee* The Report and Minutes of Evidence were printed. The Committee noted that the abolition of transportation of convicts and the assignment to settlers was leading to a shortage of shepherds: unless this was addressed “not only the fortunes of individuals, but the permanent continuance of the Colony...will be endangered”; it did not believe that the introduction of Hill Coolies from India was desirable---rather the emigration of suitable persons from the United Kingdom should be encouraged. It might be possible, by the payment of proper wages and other conditions, to use aborigines as shepherds or stockmen, although their propensity for wandering

away from time would have to be curbed. The Committee also observed “that of the entire number of Immigrants brought to the Colony, one third have been Roman Catholics...the proportion...being widely at variance with the respective numbers of the religious persuasions in this Colony” and that Emigrants should be sought from ports other than those currently in use---one third of the ships chartered by Government having been from Irish ports. The Report of the Committee was tabled in the Council on 13 August 1841/14, and on 25 August 1841/16 the Council adopted the following motion: “That as the continual influx of eligible Immigrants will...increase the demand for Land, enhance its value, and replenish the fund applicable to the encouragement of immigration, no temporary deficiency in its amount...should be allowed to interrupt the requisite supply of labour”.

## **1841/2 COMMITTEE TO CONSIDER LOANS TO THE AUSTRALIAN COLLEGE**

*See also 1832/55, 1843, (2)/29*

*Background* Two loans had been made to the Trustees of the Scots Church in Sydney, in 1825 and in 1832. The loan in 1825, of £520 sterling, had been made towards the building of the Church, but was to be repaid following the grant of £300 per annum as salary to the *Revd Dr* John Dunmore Lang, Senior Minister which had been offered to and accepted by the Trustees as an alternative to the original grant. The loan of 1832 was in aid of the building of the Australian College on ground belonging to the Scots Church. A Deed of Mortgage was executed on 18 February to secure the repayment of the £520 together with the advance of £3,500 to the Australian College which was “distinctly understood to constitute the basis of the security to the government for the advances made...” However, “of the four houses which compose the Australian College Buildings, the whole of two houses, about three-fourths of the third house, and one-third of the next stand upon ground obtained from Sir John Jamison” so that “only this small part of the College Buildings is included in the mortgage given to the Government”. On 15 June 1841/2 the Governor tabled in the Council a letter from Dr Lang which asked that the Mortgages be cancelled. The Governor proposed the appointment of a Committee to consider and report on the matter. A “voluminous correspondence connected with the above-mentioned Loans” was referred to the Committee, which was “instructed to report the amount due to the Government, and what measures they would recommend should be adopted”. Some of this correspondence is printed as an Appendix to the Report.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; James Macarthur.

*Witnesses examined by the Committee* *Revd* John Dunmore Lang (who tendered a ‘Sketch of the Origin, Condition, and Prospects of the Australian College’ and an ‘Additional and Explanatory Statement respecting the Australian College’ and a copy of ‘Resolutions intended to form the basis of a Constitution for the Australian College, passed at the first General Meeting of the Shareholders, held in Sydney, 23rd December 1831’); *Revd* David Mackenzie, one of the Professors of the Australian College; *Revd* T Aitkin, one of the Professors of the Australian College; Mortimer William Lewis, Colonial Architect; Francis Lascelles Wallace, a Shareholder of the Australian College; John Edey Manning, Registrar of the Supreme Court of New South Wales; *Sir* John Jamison, a Shareholder of

the Australian College; The Hon. Campbell Drummond Riddell, former Chairman of the Australian College Council; James Norton, Solicitor.

*Report of the Committee* The Report was tabled in the Council on 17 August 1841/15 and was printed. On 15 September 1841/22 the Colonial Secretary, as Chairman of the Committee, moved the following Resolution which was passed by the Council: “That this Council do adopt and confirm the opinion contained in the Report from the Committee appointed to consider the propriety of releasing the Trustees of the Scots Church, Sydney, from the Mortgage on the Scots Church Allotment, for the advance made by the Government towards the erection of the said Church, and of the Australian College Buildings; and that, accordingly, the sum of £520, advanced towards the erection of the Scots Church be entirely remitted; and that the Governor be respectfully requested to cause such measures to be taken as His Excellency may deem expedient for securing to the Australian College, the possession of the Ground and Buildings which were originally intended to be appropriated to that Institution”.

### **1841/3                    COMMITTEE ON THE SAVINGS BANK OF NEW SOUTH WALES**

*Background* The Secretary of State for the Colonies (Lord John Russell) in Despatch No. 163 of 12 October 1840 transmitted a Report by John Tidd Pratt, Esq, the Barrister appointed to certify the Rules of Savings Banks, on the *Act to consolidate and amend the Laws relating to the Savings Bank of New South Wales* which had been passed by the Legislative Council in 1839. The Trustees of the Bank had held a Special Meeting on 7 June 1841 to consider alterations to the constitution of the Bank which had been proposed by Mr Tidd Pratt. On 16 June 1841/3 the Governor introduced *A Bill to amend, and to extend to Port Phillip...An Act to consolidate and amend the Laws relating to the Savings Bank of New South Wales*. It was referred to a Committee, with “instructions to take the whole subject into consideration, and to report as to the best way, in their opinion, in which the measures recommended...can be carried into effect”.

*Members of the Committee* The Lord Bishop of Australia, (William Grant Broughton); The Auditor General (William Lithgow); Richard Jones; Sir John Jamison; Mr James Macarthur.

*Witnesses examined by the Committee* The Lord Bishop of Australia; George Miller, Esq., Accountant of the Savings Bank of New South Wales.

*Report of the Committee* The Report and Minutes of Evidence were tabled in the Council on 27 July 1841/10. Mr Tidd Pratt had recommended that the Trustees of the Bank be elected (although he did not say by whom---and it is to be remembered that the majority of the depositors at that stage were convicts), and also the establishment of a Security Fund to meet any losses. It is clear from the evidence of both the Lord Bishop and the Accountant that Mr Tidd Pratt did not appreciate the different nature of the Colonial society, and also that there were no Public Funds (as there were in England) into which the deposits could be invested, they being put instead into mortgages and bills of exchange. The Committee recommended that the existing arrangement be continued whereby the Trustees in New South Wales were nominated by the Governor, and that in Port Phillip, in what was to be a completely separate Savings Bank, they be nominated by the Superintendent. In the case of both Banks the Committee strongly recommended the

establishment of a Security Fund, which in fact had always existed in the New South Wales Savings Bank under the name of Reserved Fund. The Committee explicitly recommended against any changes in the constitution of the Bank as proposed by Mr Tidd Pratt. *The Savings Bank Act amendment and extension to Port Phillip Bill* received its second reading on 25 August 1841/16 when it was amended; it was further considered on 27 August 1841/17 when it was amended again; it was *passed* on 1 September 1841/19. The Act took into account all the recommendations of the Committee.

## 1841/4 COMMITTEE ON LIGHT HOUSES IN BASS'S STRAIT

*See also 1842/23 for the re-appointed Committee*

*Background* On 22 June 1841/4 the Governor tabled a letter from Sir John Franklin, Lieutenant-Governor of Van Diemen's Land, which proposed that the New South Wales Government should cooperate in the erection of light houses in Bass's Strait; and copies of letters from William Moriarty, Commander R.N., and C S Henty of Launceston. The Governor also tabled letters from Captain Philip P King, R.N. and Captain J W Wickham of H.M.S. Beagle. These letters are all printed in an Appendix to the Report of the Committee. On 22 June 1841/4 a Committee was appointed "with instructions to take the subject into consideration, and examine evidence, and report".

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; Sir John Jamison.

*Witnesses examined by the Committee* John Thom, Esq., Commander of the Brig *William*; William Salmon Deloitte, Esq., late Commander of a Vessel in the Merchant Service, now of Sydney, Merchant; Ranulph Dacre, formerly Commander of a Vessel in the Merchant Service, and now a Merchant of Sydney.

*Report of the Committee* The Report of the Committee was tabled on 1 September 1841/19 and was printed.. The Committee reported at that at least two light houses were required. No action seems to have occurred. The Committee was re-appointed on 11 August 1842/25 for which see below.

## 1841/4 COMMITTEE ON THE SHOOTING ON SUNDAY PREVENTION BILL

*Background* On 16 October 1840/47 a Petition from 35 inhabitants of Cook's River, Botany and Petersham was tabled in the Council "representing that the Districts in which the Petitioners reside, with the Roads and Paths in the Vicinity, are almost daily, but particularly on Sundays, disturbed by persons resorting thither, from Sydney, for the purpose of enjoying the amusement of Shooting, to the great annoyance and danger of the Petitioners, and other persons passing along those roads and paths, who from the thickness of the Bush are prevented from seeing the danger to which they are exposed from the frequent and unexpected discharges of the fire arms used by the persons complained of; but the evil of which the Petitioners chiefly complain is, that on the Sabbath day they are not only endangered and annoyed in the manner described, but even during the hours of Public Worship are disturbed by the frequent reports of guns and other unseemly noises, arising from the prevalence of the practices complained of; the Petitioners pray that the Council will take the subject under consideration, and pass a Law to remedy the evils complained of". On 8 June 1841/1 the Governor (Sir George Gipps) tabled *A Bill to prohibit Shooting, for Sport, Pleasure, or Profit, on Sunday*. The Bill received its second reading on 22 June 1841/4 when the Lord Bishop of Australia moved an amendment which was passed unanimously "That this Bill be referred to a Committee with instructions to consider the means of promoting the more becoming observance of the Lord's Day, by prohibiting, on that day, (1) Shooting, Boxing, Horse-racing, Boat-racing, Cock-fighting, Cricket-playing, and Fishing. (2) Keeping open Shops for the sale of goods, merchandise, or provisions, excepting Apothecaries', and Chemists' Shops for

the Sale of drugs or medicines only, during the whole day, and Butcher's Shops until the hour of 8 a.m. (3) Loading or packing goods for Market, or forwarding the same towards any Market within forty miles from the point of starting, by any carriage, dray, cart, wain, waggon, or other vehicle: The loading, or starting of any dray or other vehicle, for the conveyance of goods from Sydney: Labouring in the fields, or collecting or conveying farm produce or manure, excepting grain, in cases of evident and urgent danger of its being spoiled by the weather”.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; James Macarthur.

*Witnesses examined by the Committee* Joseph Long Innes, Superintendent of the Sydney Police; Thomas Vincent Curtis, Clerk of the Market in George Street; George Rainey, Clerk of the Hay and Corn Market.

*Report of the Committee* Not surprisingly, since the Committee was chaired by Bishop Broughton who had proposed the amendments to the Bill, the recommendations were broadly in line with the amendments. However, the Committee proposed that the Market Days, then Tuesday and Friday, should be changed to Wednesday and Thursday with a view to making it unnecessary for goods or their conveyances to have to travel on Sundays. The *Act to Prohibit Shooting, for Sport, Pleasure, or Profit, on Sunday* was passed on 8 September 1841/21 with provision for fines for shooting or carrying firearms, except for *bona fide* travellers. The Act does not mention the other practices which were thought to be objectionable, but some at least (e.g., gambling) could be regulated under other laws which the Police were empowered to use.

#### **1841/10 COMMITTEE ON THE AUSTRALIAN AUCTION COMPANY**

*Background* This was another of many companies which found it necessary to have legal sanction to sue, or to be sued. In this instance the Company was in the process of being wound up, and wished to be able to recover its debts. On 27 July 1841/10 the Governor introduced into the Council *A Bill to facilitate proceedings by and against the Proprietors of a certain Joint Stock Company, lately carrying on business in Sydney, in the Colony of New South Wales, under the name, style, or firm of the Australian Auction Company, and for other purposes therein mentioned.* A Committee was appointed to consider and report on the provisions of the Bill, and to examine evidence if necessary.

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Richard Jones; James Macarthur.

*Report of the Committee* The Committee found the Bill to be unobjectionable. It was passed on 1 September 1841/19.

#### **1841/10 COMMITTEE ON THE HUNTER'S RIVER STEAM NAVIGATION COMPANY**

*Background* This was another of many companies which found it necessary to have legal sanction to sue, or to be sued. The Company sought to increase its share capital and

provision was made for this in the Bill. On 27 July 1841/10 the Governor introduced into the Council *A Bill for facilitating Proceedings by and against the Hunters' River Steam Navigation Company and for other purposes therein mentioned*. The Bill was referred to the Committee which had been appointed to consider and report on the *Australian Auction Company Bill*, for which see above 1841/10.

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Richard Jones; James Macarthur.

*Report of the Committee* The Committee found the Bill to be unobjectionable. It was passed on 1 September 1841/19.

## **1841/12 COMMITTEE ON THE REGISTRATION ACT AMENDMENT BILL**

*Background* On 16 November 1825 the Council had passed *An Act for registering Deeds and Conveyances in New South Wales*: registration was effected in the Supreme Court. This Act followed the Proclamation of Governor Macquarie dated 18 January 1817 which had provided that “all conveyances, deeds, mortgages, and conveyances, and all other instruments with regard to, or touching the conveyance of freehold property within this territory...should be registered”. On 10 September 1839/33 the Council had passed *A Bill to amend...An Act for registering Deeds and Conveyances in New South Wales, and to prevent Convicts under Sentence from acting as Conveyancers*; however, by notice published in the *New South Wales Government Gazette* dated 23 December 1840, Her Majesty's disallowance of the Act was signified. On 20 July 1841 *A Bill to amend the Act for the Registration of Deeds; and to provide for the Registration of Judgments, and for the establishment of a separate Registry at Port Phillip* was introduced, but on 3 August 1841/12 on the motion of the Attorney General the second reading was deferred and consideration of the Bill was referred to a Committee.

*Members of the Committee* The Chief Justice (James Dowling); The Attorney General (John Hubert Plunkett); Alexander Berry; Richard Jones; James Macarthur.

*Witnesses examined by the Committee* John Edye Manning, Registrar of the Supreme Court; Ross Donnelly, Barrister at Law; James Norton, Solicitor; William Carr; John Gurner, Solicitor; Charles Henry Chambers, Solicitor; George Kenyon Holden, Solicitor; Frederick Wright Unwin, Solicitor; Robert Owen, Solicitor; William Minithorpe, Solicitor; George John Rogers, Solicitor; John Gurner, Solicitor; George Robert Nichols, Solicitor.

*Report of the Committee* The Committee reported on 21 December 1841/32. The essential part of its recommendations was that “the Supreme Court should no longer be a Register Office for the registration of Deeds and other Instruments” and that “separate Offices for the Registration of Deeds and other Instruments affecting Land should be instituted at Sydney and Melbourne respectively, distinct from the Supreme Court of New South Wales”. The Bill was passed on 3 January 1842/35 providing for the establishment of the separate Registries. The Committee proposed to the Council that the various suggestions made by witnesses should form the basis of a more comprehensive Bill which could be introduced in the next Session. *This Act to consolidate and amend the Laws relating to the*

*Registration of Deeds and other instruments, in that part of the Colony of New South Wales, not comprehending the district of Port Phillip* was passed on 20 December 1843/82.

#### **1841/16 COMMITTEE ON THE MUTUAL FIRE INSURANCE ASSOCIATION**

*Background* On 20 July 1841/8 the Governor tabled a Petition “praying that an Act...may be passed to secure to the Members of the Mutual Fire Insurance Association, the due performance of its engagements, and to the Public, the benefits proposed by its formation”. There were now 250 members and the value of the property insured exceeded £700,000. On 25 August 1841/16 the Governor introduced a *Bill to enable the Members of an Association called The Mutual Fire Insurance Association, to sue and be sued, [in] the name of the Chairman of the said Association, for the time being, and for other purposes therein mentioned*. It was referred to a Committee with instructions “to consider, and report on, the provisions of the Bill, particularly as to whether it be expedient or otherwise to adopt the rules of the Company as a Schedule to the Bill, and with power to examine Evidence if necessary”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Richard Jones; Hannibal Hawkins Macarthur.

*Report of the Committee* The Report was tabled on 8 September 1841/21 and ordered to be printed, but does not appear in any copy seen. The Bill received its second reading on 28 September 1841/24, and, unusually, was passed on the same day.

#### **1841/25 COMMITTEE ON IMMIGRATION DEBENTURES**

*Background* The Council had adopted, following its consideration of the Report of the 1841 Immigration Committee for *which see above* 1841/1, a resolution that “no temporary deficiency” in the Land Fund which provided for the costs of Immigration “should be allowed to interrupt the requisite supply of labour”. On 30 November 1841/25 “the Governor (Sir George Gipps)...read a Minute, (printed in the Votes and Proceedings), “explanatory of the circumstances which have rendered it necessary to bring under the consideration of the Council a Bill for securing on the Ordinary revenue of the Colony, the payment of debentures proposed to be issued to meet the expences [sic] of Immigration”. He then introduced *A Bill to secure on the Ordinary Revenue of the Colony of New South Wales, the payment of Debentures to be issued, to a limited amount, by the Governor thereof, in support of Immigration*. The Bill was referred to a Committee which was appointed on 30 November 1841/25 with instructions “to report generally upon the whole measure, and to take evidence if necessary”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; John Blaxland; Hannibal Hawkins Macarthur; Sir John Jamison; James Macarthur.

*Witnesses examined by the Committee* John Cunningham M'Laren, Inspector of the Union Bank of Australia; Lesslie Duguid, Managing Director of the Commercial Bank; George

Richard Griffiths, Inspector of all the Colonial Establishments of the Bank of Australasia; John Lamb, of Sydney, Merchant; Charles Falconer, Manager of the Bank of Australasia; Thomas Livingston Mitchell, Surveyor General of the Colony; Mortimer William Lewis, Colonial Architect; William Henry Mackenzie, Cashier of the Bank of Australia; Archibald Walker, of Sydney, Merchant; James Bowman, an extensive proprietor of Land and Stock; Francis Lewis Shaw Merewether; Agent for Immigration; Hastings Elwyn, Chairman of the Colonial Board of Directors of the Australian Trust Company, Sydney.

*Report of the Committee* The Committee reported on 14 December 1841/28. The Council, on 21 December 1841/32, adopted, on the motion of James Macarthur, six resolutions arising out of the Report: they are printed in full in the record of the day's Proceedings. In summary they are (1) The Council concurs in the recommendations of the Committee for raising the funds needed for Immigration. (2) The Colony has a just claim for the immediate reimbursement of the sum of about £40,000 from the Land Fund advanced to establish British Authority in New Zealand. (3) The Governor should issue debentures not exceeding £160,000 as may be necessary to meet the payment of Bounties promised upon the introduction of Immigrants. (4) The Governor should open for sale by Auction, land in the District of Moreton Bay, at the Clarence River, or near Melbourne, William's Town, Geelong, and Portland. (5) A Loan should be raised in England upon the principle recommended by the 1838 and 1839 Immigration Committees. (6) Such a measure would be advantageous both to the Mother Country and this Colony. Debentures were issued, but not to the upper limit specified. Somewhat qualified approval was given by the Secretary of State (Viscount Stanley) in Despatch No. 156 of 29 July 1842, reported to the Council by the Governor on 14 February 1843(1)/5; there was to be no further anticipation of the Land Fund for Immigration purposes.

## Session of 1842

### 1842/1      **COMMITTEE TO PREPARE A LOYAL ADDRESS ON THE OCCASION OF THE BIRTH OF A PRINCE**

*Background* On 10 May 1842/1 the Governor tabled a circular Despatch from Lord Stanley “dated 30 November 1841, announcing the Birth of a Prince (the Prince of Wales), and the safety of her Majesty”. The Council resolved that Loyal Addresses of Congratulation should be presented to the Queen and to the Prince Consort, and a Committee was appointed to prepare them.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Attorney General (Roger Therry); Richard Jones; John Blaxland; Mr Hannibal Hawkins Macarthur.

*Report of the Committee* On 17 May 1842/2 the Lord Bishop laid the proposed Addresses before the Council, which approved them for transmission to London. Both are printed in the record of the proceedings for 17 May 1842/2.

**1842/1            COMMITTEE ON THE ACT TO AMEND THE  
ADMINISTRATION OF JUSTICE ACT**

*Background* At the first sitting day of the new Council, on 10 May 1842/1, the Governor “having observed that the separation of the Government of New Zealand from that of New South Wales, had rendered necessary some alteration in the *Act for the better Administration of Justice*, which had been passed by the Council in the Session of 1840, laid upon the table *A Bill to amend...An Act to provide for the more effectual Administration of Justice in New South Wales and its Dependencies* and stated that he was desirous to refer it to a Committee of the Council, in consequence of a number of queries relating to the Equity Jurisdiction of the Supreme Court, contained in the Despatch which had been sent to him with the Bill, by the Home Government”.

*Members of the Committee* The Chief Justice (Sir James Dowling); The Attorney General (Roger Therry); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; James Macarthur.

*Report of the Committee* The Committee reported on 28 June 1842/12 that the Bill did not “seem to require any other provision than to carry out the objects stated in the preamble”. The Report was printed.

**1842/2            COMMITTEE ON IMMIGRATION**

*See 1855/34 for other Immigration Committees*

*Background* The concerns about the number of immigrants and their suitability carried on from previous years. On 17 May 1842/2 the Council appointed a Committee (with almost the same membership as the 1841 Committee) “to consider the question of Immigration generally, with the view of ascertaining the present and prospective demands of the Colonists for Labour, and how the same can be most effectually and economically met; with instructions to take evidence, if necessary, and report”.

*Members of the Committee* The Lord Bishop of Australia (William Grant Broughton); The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Hannibal Hawkins Macarthur; Sir John Jamison; James Macarthur; Richard Jones (appointed 26 May 1842/3).

*Witnesses examined by the Committee* Francis Lewis Shaw Merewether, Agent for Immigration; Arthur Savage, Surgeon R.N.; Joseph Long Innes, Member of the Immigration Board; Hutchinson Hotherstall Browne, Member of the Immigration Board; William Harvie Christie, Member of the Immigration Board; William Augustus Miles, Member of the Immigration Board; Thomas Icely, Landholder; Lawrence V Dalhanty, Landholder; George Cox, Landholder; Henry O'Brien, Landholder; George M'Leay, Landholder; Robert Scott, Landholder; Mathew Henry Marsh, Landholder; Evan Mackenzie, Landholder; Frederick Ogilvie, Landholder; Alfred Robert Denison, Landholder; Campbell Drummond Riddell, Colonial Treasurer; Lachlan Macalister, Landholder; Thomas Livingstone Mitchell, Surveyor General; William Jaques, Auctioneer; William Miller, Deputy Commissary General.

*Report of the Committee* The Committee reported on 26 August 1842/32 and the Report was considered by the Council on the following sitting days, was withdrawn by the Committee for amendment on 8 September 1842/36, and was finally dealt with on 9 September 1842/37. The Committee had directed its attention to the operation of the Bounty system, the only one which had operated during the past year until its suspension due to the decline of the Land Fund. The Bounty System had, in the opinion of the Committee, satisfactorily met the demand for labour effectually and economically, “but on the subject of the qualifications of the Immigrants as to character and usefulness, they cannot express themselves but with a very considerable abatement of satisfaction and approval”. There were many cases of deception in that immigrants had been brought in who had not in fact met the prescriptions laid down in the Regulations: these “useless and unsuitable persons...must...be considered as dearly purchased, [but] it yet remains certain that cases of an unexceptionable nature have preponderated, and in a high proportion”. The Committee believed that the Bounty System should be re-instated when funds permitted, but that steps should be taken to remedy the abuses which they believed arose from “(I) The mode of certifying the age, occupation, character, and identity of the parties who are permitted to embark as Bounty Emigrants, [and] (II) The maintenance of order and morality among the Emigrants during the voyage”. The Committee had considered reports on the conditions on the following immigrant ships: *Queen Victoria; Eleanor; Marchioness of Bute; Duke of Roxburgh; Mathesis; Agnes; New York Packet; Wilson; Thetis; Carthaginian; Sir Charles Napier*. The Committee recommended that Surgeons on immigrant ships should be drawn from the ranks of Naval Surgeons, and that the owners or agents of the ship should no longer be permitted to nominate the Surgeon. It would be desirable for immigrants to be brought in in small detachments at intervals, rather than, as had happened, up to 1000 immigrants arriving within two days, leading to a temporary oversupply of labour and a reduction in wages. “...there exists a continued necessity for the introduction of Immigrants...your Committee are most strongly persuaded that unless measures be taken for the resumption of emigration, not later than the spring and summer of next year, the want of labour will be felt as injuriously here as ever; wages will rise to their former exorbitant rate, and the consequent exhaustion of property and embarrassment (arising from that cause) among the settlers, will be again experienced with even aggravated severity”. The Committee repeated its past view “that from ten to twelve thousand individuals may be introduced at the public expense every year, without occasioning any redundancy in the population”. However, it was vital that the sale of Crown Land did resume, and the proposal which the Committee in previous years had made for the raising of funds for immigration by means of a loan secured on the unsold Crown Lands should be put into operation. When the Report was considered by the Council on 9 September 1842/37, it resolved that it “concur generally in the opinions therein expressed”, and passed a series of resolutions embodying the recommendations of the Committee which it requested the Governor to convey to the Secretary of State for the Colonies (Viscount Stanley). The Report was printed,

*Background* On 10 May 1842/1 the Governor introduced *A Bill to Incorporate the Inhabitants of the Town of Sydney*. The second reading of the Bill was set down for 31 May 1842/4, but “Mr James Macarthur presented a Petition, signed by the Sheriff, as Chairman of a Public Meeting, held in Sydney, praying for the rejection of the Bill now before the Council.” The Petition was read, and after some discussion was withdrawn, in order that further signatures might be attached to it--the Council deciding that it could only be received as the Petition of the persons signing it”. The Petition was then re-presented on 8 June 1842/6 with 1085 signatures attached. On the same day “Mr Jones presented a Petition signed by 1051 Inhabitants of Sydney, praying that the Sydney Corporation Bill may be passed into law, after being amended, by granting additional Revenues to the Corporation---giving the Mayor precedence over all Magistrates within the Town---empowering the Town Council to nominate the Borough Magistrates---giving to every Householder the right to claim to be rated and vote----doing away with the plurality of votes---and reducing the property qualification for the Office of Town Councillor to £1,000, or an annual value of £30”. On the adjournment of that day's sitting James Macarthur moved “that the Bill be read this day six months”. Discussion on the motion was postponed until the next day, when Mr Macarthur's motion was withdrawn. The Bill was then set down for consideration on 9 June 1842/7, and on that day schedules showing the proposed boundaries of the Town and the boundaries of the six proposed Wards were tabled and it was resolved “that a Committee be appointed to report their opinion on the most suitable boundaries for the Town and Wards of Sydney; and also to collect such information respecting the value and rental of houses, and other particulars, as may serve as a guide to the Council in fixing the qualifications for Burgesses”.

*Members of the Committee* The Attorney General (Roger Therry); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell; Alexander Berry; Richard Jones; Sir John Jamison.

*Witnesses examined by the Committee* John Jenkins Peacock; Charles Nightingale; Michael Gannon; Henry Macdermott; William Buchanan (District Surveyor of Buildings).

*Report of the Committee* The Committee reported on 28 June 1842/12 and the Report was printed. It noted the high rental for dwellings, many of them substandard, but remarked that this was likely to be a temporary phenomenon. “Though a desire exists to multiply Buildings, the desire does not extend to the erection of Buildings of a substantial character...[many of these] lately erected tenements in the neighbourhood of Parramatta-street...are not within that part of Sydney to which the *Building Act* extends”; the Committee recommended that the proposed new boundaries should address this. Other than this and similar considerations, the Boundaries might be approved. The six Wards should be given names rather than numbers. The Bill was then further considered on 30 June 1842/14 when Alexander Berry moved that Clause 57 of the Bill be recommitted: it was then amended and ordered to be printed. However, James Macarthur, on 5 July 1842/15, presented a Petition from 15 inhabitants of the Glebe praying that it not be included within the boundaries of Sydney since although they had their country residences there, most of them would also pay rates on their Sydney offices. A further Petition presented by Macarthur on 6 July 1842/16 from 5106 Inhabitants prayed “that the Bill be withdrawn, on the ground that it does not confer on the Corporation all the endowments prayed in the two Petitions previously presented”, while another Petition, presented by the Governor on the same day, prayed “that the Bill now under

consideration may be withdrawn, unless it be so amended as to confer the elective franchise upon every Householder”. The Bill was recommitted for further consideration on 12 July 1842/18 and was set down for its third reading, at which it was *passed*, despite another effort by James Macarthur for a further six month’s delay; (to move re-consideration of a Bill ‘this day six months’ was a delaying tactic hoping that the Bill might lapse at the end of the Session if that occurred before the six months was up).

#### **1842/14 COMMITTEE ON THE HUNTER'S RIVER AUCTION COMPANY'S BILL**

*Background* On 29 June 1842/13 the Governor tabled *A Bill to facilitate proceedings by and against the Proprietors of a certain Joint Stock Company, lately carrying on business in Maitland, in the Colony of New South Wales, under the name, style, or firm, of the Hunter's River Auction Company; and for other purposes therein mentioned.* On 30 June 1842/14 it was referred to a Committee.

*Members of the Committee* The Attorney General (Roger Therry); The Collector of Customs (John George Nathaniel Gibbes); Alexander Berry; Richard Jones; James Macarthur.

*Report of the Committee* The Committee reported on 20 July 1842/19 that the Bill was unobjectionable: it was *passed* on 3 August 1842/22.

#### **1842/23 COMMITTEE ON THE AUSTRALASIAN SUGAR COMPANY'**

*Background* On 9 August 1842/23 the Governor tabled *A Bill for facilitating proceedings by and against a Certain Joint Stock company, called The Australasian Sugar Company, and for other purposes therein mentioned.*

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Robert Campbell; Alexander Berry; Richard Jones.

*Witness examined by the Committee* William Knox Child (Managing Director of the Company).

*Report of the Committee* The Committee found that in most respects the Bill was unobjectionable, but pointed out that “amongst the objects of the Company, as stated in the Preamble of the Bill, is the Distillation of Molasses into Spirits. Your Committee are aware that this object could not be carried into under the provisions of the Bill...but that the express sanction of His Excellency the Governor, and a Special License for the purpose would be necessary...but as your Committee believe that the suppression of Distillation to be an object of desire on the part of the Government and Legislature of the Colony, they feel it their duty to call the attention of your Excellency and your Honorable Council to the subject”. The Bill was *passed* on 7 September 1842/35.

## 1842/25 COMMITTEE ON LIGHT HOUSES

*See also 1841/4*

*Background* On 11 August 1842/25 the Governor proposed to the Council “that the Committee on Light Houses, proposed to be erected in Bass's Strait, which sat in the first session of the Council in the year 1841, be re-appointed, with instructions to obtain from Captain Stokes, of Her Majesty's ship *Beagle*, such information as his recent survey in Bass's Strait will enable him to afford; and to report”.

*Members of the (re-appointed) Committee* The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; Sir John Jamison.

*Witness examined by the Committee* Captain I L Stokes, of the *Beagle*.

*Report of the Committee* The Committee reported on 7 September 1842/35. Contrary to the Committee's earlier recommendation, it now recommended that the light to be placed at the Western entrance to Bass's Strait should be on Cape Otway rather than on King's Island; and considered that the Eastern Island of the Kent's group was the best position for a light at the Eastern entrance. On 15 August 1843(2)/7 the Governor proposed “*the draft of a Law to provide for the maintenance of Light Houses at Port Macquarie, Newcastle and other ports or places in the Colony*”. The economic depression which lasted from 1841 to 1845 may have been the reason why no further action appears to have taken place until 9 September 1845/22 when another Committee was appointed and the Governor was requested to furnish any existing documentation on the Bass Strait lights. On the recommendation of this Committee the Council requested on 24 October 1845/49 that the Governor place on the Estimates for 1846 “the sum of £9,000, towards the erection of, and purchase of the requisite machinery for Light Houses at Cape Otway, King's Island, Kent's Group, and Cape Howe”, to which the Governor responded favourably on 4 November 1845/55, however noting “that it was, on a late occasion, pointed out by the Secretary of State (Viscount Stanley), to the Governor of a neighbouring Colony (New Zealand), that the erection of Light Houses is a matter in which the commerce of the Empire, and indeed that of all nations, is concerned, and that consequently the position of them ought not to be definitely fixed, without the concurrence of Her Majesty's Government”. However, a disastrous wreck of an immigrant ship on King Island led the Admiralty to forbid transports to use the Bass Strait route while carrying troops or convicts until more lights were built and advised emigrant ships not to use the route. The Deal Island (Kent Group) light was operating by early 1848, and the Cape Otway light followed in about six months. The proposed Cape Howe light, at its new and nearby location at Gabo Island, was not in action until 1853.

## 1842/30 COMMITTEE ON THE WILL OF SAMUEL FOSTER

*Background* On 23 August 1842/30 the Governor tabled *A Bill to enable the Trustees, for the time being, of the Will of Samuel Foster, late of Birmingham, gentleman, deceased, to grant Leases*. It appeared that the Trustees had no power under the Will “to let the Lands devised in the Will, which, in a great measure deprives Mary Smith, the daughter of the said Samuel Foster...of the benefit which it was intended...she should derive from the trust...” The

principal portion of the land consisted of about 17 acres of valuable land in the Surry Hills. The Bill was referred to a Committee.

*Members of the Committee* The Attorney General (Roger Therry); The Auditor General (William Lithgow); Alexander Berry; Richard Jones; Hannibal Hawkins Macarthur.

*Report of the Committee* The Committee reported on 29 August 1842/33 that the desired object would be achieved if the words “in the Colony of New South Wales” were to be added to the title of the Bill. As was usual, this private Act could not take effect until it had received Royal approval, and The Committee suggested that it should be deemed to be a public Act. The Bill was *passed* on 7 September 1842/35.

## First Session of 1843

*The 'old' Council was convened for a brief Extraordinary Session in early 1843; its only business was to define and proclaim boundaries of the new electorates. It appointed no Committees. This sitting of the 'old' Council is referred to as 1843(1)/...The 'new' Council sat for the first time on 1 August 1843/1 and in consequence, 1843(2)/... is used to refer to the Committees of the 'new' Council. The Governor no longer attended the Council.*

### 1843(1)/3 COMMITTEE TO PREPARE AN ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH TO THE FIRST SESSION OF THE 1843 COUNCIL

*Background* The *Act of the (British Parliament) 5 & 6 Vic ch 76*, which provided for a partly elected Legislative Council, had been proclaimed in New South Wales in January 1843. The 'old' Council sat briefly between 24 January 1843 and 23 February 1843 with the primary duty of defining Electoral districts, the number of Members to be returned for each district, and the compilation of Lists of all persons qualified to vote in the forthcoming election, and associated matters. The Governor (Sir George Gipps), at the first sitting of this Council, had remarked that with the passing of the *Electoral Districts Bill*, the Council would bring its own political function to a close; in these five sitting days a certain amount of other business was also transacted. The 'new' Council sat for the first time on 1 August 1843(2)/1 and was addressed by the Governor on 3 August 1843(2)/3. He congratulated the Council "on the introduction of popular representation into our Constitution" and went on to say that "I shall immediately cause to be laid before you...some projects for amendments in the Law. Amongst these...will be the draft of an Act, for the establishment of a General Registry, and one to regulate the Office of Sheriff. I shall also direct your attention to the state of the Law under which the Savings Bank of the Colony is established: the propriety will, I think, be readily admitted, of placing the credit of this most useful Institution beyond the reach of doubt. I shall...cause the Estimates for the year 1844 to be brought under your consideration." He then referred to the Despatch No. 181 of 5 September 1842 in which "to you singly have been confided by the Imperial Parliament the powers which, in some of the older Colonies of Great Britain, are divided between two separate bodies. The Council...is composed of three elements, or of three different classes of persons---the Representatives of the People---the Official servants of Her Majesty---and of Gentlemen of independence---the Unofficial Nominees of the Crown. Let it not be said or supposed that these three classes of persons have or ought to have separate interests to support---still less that they have opposing interests, or any interest whatever, save that of the public good". The Address is printed in full in the record of the day's proceedings. When the Governor had left the Chamber, the Council resolved to prepare a Address in reply and a Committee was appointed to prepare this.

*Members of the Committee* Dr Charles Nicholson; Terence Aubrey Murray; William Charles Wentworth; John Panton; Charles Cowper. (All were elected Members.)

*Report of the Committee* The Council presented the Address to the Governor on 8 August 1843(2)/5, and it and the Governor's acknowledgement are printed in full in the record of the day's Proceedings

## Second Session of 1843

### 1843(2)/7 COMMITTEE ON THE PRICE OF LAND

*See also 1843(2)/10 Committee on Immigration for further considerations of this issue.*

*Background* By decisions of the British Parliament the minimum price per acre for the sale of Crown Land in the Australian Colonies which had been 5 shillings, had been set, first at 12 shillings, and later, by the *Act 5 & 6 Vic ch 26* of 22 June 1842, at 20 shillings (one pound sterling). By 1843 New South Wales was in a severe financial depression, brought about partly by land speculation with (mostly) borrowed money. The new and partly elected Council resolved on 15 August 1843(2)/7 to appoint a Committee to enquire into the operation of the Act and the effects which it might have on the Colony.

*Members of the Committee* Terence Aubrey Murray; Edward Hamilton; Charles Nicholson; William Charles Wentworth; William Bradley; Thomas Walker; John Dunmore Lang; The Colonial Secretary (Edward Deas Thomson). (With the exception of Hamilton and the Colonial Secretary, all were elected Members.)

*Report of the Committee* The Report of the Committee was received by the Council on 5 December 1843(2)/73 and was ordered to be printed, but it was not considered until 15 December 1843(2)/80 and again on 20 December 1843(2)/7. On 15 December “Mr Murray moved...that this Council do take into consideration and adopt the Report of the...Committee appointed to enquire into the provisions of an *Act [of the British Parliament]...for regulating the price of Land in the Australasian Colonies, so far as they apply to New South Wales.*” He then moved the following resolutions: “(1) That the waste lands of this Colony constitute an important element of national wealth, which must lie dormant and unproductive, until brought under occupancy or cultivation.” Question put and passed. “(2) That immigration to this Colony---the extension of its population---and the occupation of its Territory, are, and must continue to be, seriously checked and retarded, so long as 20s. an acre shall be, either by law or by regulation, the minimum upset price of Waste Crown Lands in this Colony.” Question put and passed. “(3) That the value of land must depend upon the return or profit derivable from it; and that a minimum price of 20s. an acre, so far exceeds all attainable profits, in most instances, that it virtually amounts to prohibition upon sales...” Question put and passed. “(4) That as land is diversified in quality, so it must vary in value; and that therefore that a uniform minimum price is inapplicable to a whole territory, unless it be so low as to be merely commensurate with the value of inferior tracts, leaving the selling prices of richer parts to be determined by a public competition.” At this point the Council resolved that further consideration of the Report and these resolutions be postponed until a later sitting day, which was 20 December 1843(2)/82 when William Charles Wentworth, in the absence of Murray, moved Resolution No. 4 *above*; the question was put and passed. (The original Resolution No. 5 as set out in the Notice Paper, which related to the lack of capital in the country and its effect on the employment of new immigrant labour, was withdrawn.) (New) Resolution No. 5 was then put and passed:(5) “That the waste lands should be made a means of introducing immigrants, by allowing a remission in the purchase of country lands, to newly arrived settlers, in proportion to the cost of their own passages, those of their families, or the number of labourers they bring into the Colony; and that such remission should be at the rate of £80 for every cabin, £40 for every intermediate, and £25 for every steerage passage, with a proportionate allowance for children,

according to the Bounty system, or the Passengers Act.” Resolution No. 6 was then put and passed, “That an Address be made to the Governor asking him to forward these Resolutions, with copies of the Report and Evidence, to the Secretary of State for the Colonies (Viscount Stanley”.

## 1843(2)10 COMMITTEE ON IMMIGRATION

*See also 1855/34 for later Immigration Committees*

*Background* On 18 August 1843(2)/10 Charles Nicholson moved “That a Select Committee be appointed to take into consideration the necessity and means for reviving Immigration, and for ensuring the continuous introduction of a due supply of shepherds and agricultural labourers, an adequate supply of labour, and an increase of population, being essential to the present interests and future advancement of the Colony”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Auditor General (William Lithgow); Thomas Icely; John Dunmore Lang; Terence Aubrey Murray; William Charles Wentworth; Hamilton Hawkins Macarthur; Charles Nicholson; William Bowman.

*Witnesses examined by the Committee* Francis L S Merewether; Mortimer William Lewis; Richard Windeyer; William Bowman; John Mason; Joseph Coyle; James Macpherson Grant; William Montague Rothery; Henry O'Brien; George M'Leay; Joseph Frederick Johnson; William Cox; David Taylor; Benjamin Sutherland; Robert Patten; James Green; Richard Lowater; Thomas Cowlshaw; William Augustus Miles; Lieutenant Colonel George Barney; Benjamin Boyd; Charles Campbell; Alexander Thomson.

*Report of the Committee* The Committee reported on 5 December 1843(2)/73. It observed “that the present supply of agricultural and pastoral labour is far from being adequate to the wants of the Colony; that the rate of wages is beyond what the master can, from the amount of profit, afford to give; and that the demand for pastoral labour is progressively on the increase”. At the same time, there was high unemployment in Sydney itself, those unable to find work being chiefly mechanics or men with large families who were unwilling to seek work in the interior where it was plentiful, unless they received high wages (of the order of £23-25 when employers said they were unable to pay more than £10-12 per annum). The Committee was told that the current and severe financial depression arose partly from the loss of profit by the settlers because of high wages, which in turn “led to an almost entire cessation of the erection of private buildings. Carpenter, bricklayers, and masons are thus thrown out of employment...it is essential, for this description of persons, that they should seek for future support in the country [areas]”. The Committee, while agreeing “that the present supply of agricultural labour in the Colony, is inadequate to its wants, and that it is indispensable to its future prosperity that a periodical supply of emigrants from the mother country, should be introduced into it, they nevertheless...deem it necessary to specify the description and number...necessary to introduce within a given period”. In other words too many from the "handicraft trades" had been allowed to emigrate when there were not enough jobs of this nature, and even the selection of pastoral and farm labourers had erred too much on the side of those with large families which were uneconomical for employers to support. “Your Committee have no hesitation in expressing their belief that four thousand shepherds and farm labourers introduced annually into the Colony would

readily find employment, at rates of wages of from £10 to £12 per annum, with lodging and fuel, accompanied with a ration...". The profits from the sale of the 'waste [Crown] lands' which had hitherto paid for immigration were no longer available, because the increase by the British Parliament in the upset price of land from 5s. to 12s. and now 20s. an acre had made the purchase of land no longer attractive. If the [English] Parliament would grant to the Colony even half the amount realised from past sales of Crown land which had been previously applied to emigration, a continuing supply of suitable immigrants might be assured. The Committee, however, saw this as unrealistic and recommended that "In the absence of any disposition on the part of the British Government thus to consider the claims of the Colony, the raising of a loan in England appears to be the only means capable of any extensive application for the purpose of introducing European labour". Following an extended discussion as to how this might be put into practice, the Committee summarized "the means by which they conceive immigration may be re-established...(1) The parliamentary aid which your Committee trust the Colony may calculate upon receiving, in consideration of the amount it has expended from its own unaided resources in immigration. (2) the rescinding of the present land regulations, which affix an upset price of twenty shillings an acre; and the effecting a return to the old system of sales by auction, at an upset rate not exceeding five shillings on pastoral lands; (3) the raising of a loan in England upon the credit of the land fund. (4) the granting, in the purchase of land, remissions to settlers equivalent to the amount defrayed in the conveyance of themselves and families, or farm labourers, to the Colony".

#### **1843(2)/10 COMMITTEE ON THE LEGISLATIVE COUNCIL LIBRARY**

*See also 1840/47 for an earlier Committee*

*Background* On 16 October 1840/47 the Governor had proposed the appointment of a Committee to carry into effect the establishment of a Legislative Council Library, for which the sum of £300 had been provided in the Estimates for 1841, but little had been done, Roger Therry proposed the appointment of a Committee "to make necessary arrangements for the fitting up and opening of the Library of this Council"..

*Members of the Committee* Dr Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); Hastings Elwin; Charles Ebdon; Roger Therry.

*Report of the Committee* The Committee presented a progress report on 3 October 1843(2)/35. The final Report was presented on 27 December 1843(2)/85 and was ordered to be printed. The Committee found "that the books at present belonging to the Library of the Council are comparatively few in number and do not comprise those works which may be considered indispensable as books of reference, or of general utility". These may have been the works which had been recommended by an earlier Committee *for which see above 1840/47*. The new Committee recommended the purchase of essential monographs and serials (specified in the report) employing £250 of the £300 voted, the balance to be used as appropriate for purchases from Colonial booksellers or at auction. The Committee was to sit during the recess.

## 1843(2)/13 COMMITTEE ON MONETARY CONFUSION

*Background* By the end of 1843 New South Wales had been in a severe financial depression for two years, causing much distress throughout the Colony. On 23 August 1843(2)/12 Richard Windeyer moved “That a Select Committee be appointed to consider the means of staying the further evil consequences to be apprehended, from the monetary confusion lately and still prevalent in the Colony”. This Committee was appointed on the following day 24 August 1843(2)/13.

*Members of the Committee* The Colonial Treasurer (Campbell Drummond Riddell); The Auditor General (William Lithgow); Charles Ebden; John Dunmore Lang; Charles Nicholson; William Charles Wentworth; Terence Aubrey Murray; Edward Hamilton; Richard Windeyer; John Coghill.

*Witnesses examined by the Committee* William Hamilton Hart (Superintendent of the Bank of Australasia); John Cunningham Maclaren (Inspector of the Union Bank of Australia); George Richard Griffiths (Director of the Union Bank of Australia); Francis Kemble (sugar refiner); George Miller (Accountant to the Savings Bank); Thomas Stubbs (auctioneer); William Bradley (agriculturalist and pastoralist); Samuel Lyons (auctioneer); John Lamb (Chairman of the Commercial Bank); James Mitchell (land and stock owner and a Director of the Bank of Australia); Charles William Roemer (former Bank Director); Thomas Holt; Thomas Ware Smart (Director of the Sydney Bank); Severin Kanute Salting (Director of the Union Bank of Australia); Campbell Drummond Riddell (Colonial Treasurer); William Charles Wentworth (Director of the Bank of New South Wales).

*Report of the Committee* The Committee reported on 31 October 1843(2)/53 and the Report was printed. The Committee was of the opinion “that the present distressed state of the Colony is to be attributed to a combination of most of the causes assigned for it by the different witnesses; but...have not thought it necessary to advert to any but the monetary measures of relief in the power of the Colonial Legislature to adopt...the evils of the present crisis have been much aggravated by the necessity which the different Banks of the Colony have been under, for the last two years, of materially lessening their discounts on new transactions, and of thereby diminishing the amount of their notes in circulation...has gone far to strip many parts of the Colony of all currency. An unavoidable result, has been, to reduce the selling price of property to a mere nominal rate...In a new Colony...where the majority of transactions are carried on upon credit, the consequences are necessarily more disastrous. An undue contraction of the circulating medium, and the absence of all confidence and credit, forces on, in New South Wales, the ruin of the most solvent”. The Committee, heavily influenced by the evidence of Thomas Holt, recommended the adoption of a system in operation in Prussia: “A landed proprietor wishing to raise money upon his property, applies to a Land-board, which values it, and agrees to lend him the credit of the State, for one-half of the valuation. The land owner mortgages his property to the Board...”. The Report goes on to describe in some detail how the system would work in New South Wales; it would not be “a panacea for all the distress of the Colony”, but would partially “place the currency of New South Wales on a more stable foundation”. *See* the Report for the details of the Prussian system. On 7 November 1843(2)/57 Mr Windeyer introduced *A Bill to restore public confidence, and to provide for, and regulate the issuing and lending of Land-board notes, and pledge Certificates, and for other purposes*. This *Monetary Confidence Bill* was passed by

the Council on 6 December 1843(2)74, but the Governor withheld the Royal Assent and therefore it *did not pass into Law*.

## **1843(2)/22 COMMITTEE ON THE SAVINGS BANK BILL**

*Background* Following a public meeting in 1819 during the term of Governor Lachlan Macquarie, a savings bank was established in Sydney, with short lived branches in Liverpool, Parramatta and Windsor, for the use of convicts and “the industrious poor”. The existing Bank of New South Wales declined to be involved, and in due course most of the work as ‘banker’ devolved on the merchant Robert Campbell and the bank became known for many years as “Campbell’s Bank”. On 19 January 1832/1 Governor Bourke, addressing the Legislative Council at its first sitting day, had said “The sums lodged in the Saving Bank, having reached a considerable amount, it has seemed to me proper, that the Bank should become a public concern.” On 20 February 1832/14 Bourke tabled *A Bill to establish a Savings Bank in New South Wales* and this was *passed* on 9 March 1832/23. In his Address to the new and partly elected Council on 3 August 1843(2)/3 the Governor (Sir George Gipps) said “I shall also direct your attention to the state of the Law under which the Saving’s Bank of the colony is established: the propriety will, I think, be readily admitted, of placing the credit of this most useful Institution beyond the reach of doubt”. On 30 August 1843(2)/16 the Governor sent to the Council a draft of *An Act to amend the Laws relating to Savings Banks in the Colony*. At the second reading of this Bill the Council resolved that it be referred to a Select Committee.

*Members of the Committee* The Colonial Treasurer (Campbell Drummond Riddell); Roger Therry; Charles Nicholson; Charles Cowper; Thomas Icely; Hastings Elwin.

*Report of the Committee* The Committee had before it a Despatch from the Secretary of State for the Colonies dated 12 October 1840 enclosing the report of Mr John Tidd Pratt, the Barrister appointed to certify the Rules of Savings Banks in which several changes to the proposed amending legislation were suggested; until these had been incorporated the Royal Assent had been withheld. The Committee also had before it observations on Pratt’s proposals by the Attorney General of New South Wales (Roger Therry), to the effect that it was his view that “most of the changes...would...have a tendency to weaken the public confidence in this Institution, which would be attended with consequences of a disastrous nature”. The Committee reported on 1 November 1843(2)/54 and the Report was ordered to be printed. The Report was considered by the Council in Committee on 8 November 1843(2)/58, and the Bill was *passed* on 10 November 1843(2)/60. The Council had not in general followed the Pratt proposals and the Governor reported to the Secretary of State (Viscount Stanley) pointing out that the situation in the Colony was vastly different to that in Britain: as a result of this Despatch the Secretary of State required some amendments which appear not have been objectionable.

## **843(2)/29 COMMITTEE ON THE SCOTS CHURCH**

*See also 1832/55, 1841/2*

*Background* The Scottish Presbyterians of the Colony had, in 1823, sought financial assistance from the Colonial Treasury for the erection of a Scots Church in Sydney. This

request had been turned down by the Governor (Sir Thomas Brisbane). In 1825 the Secretary of State for the Colonies (Earl Bathurst) directed the Governor to provide from Colonial funds one third of the total cost of the building, amounting to £520. This was paid, but when the Presbyterians also sought a salary for their Pastor, The Revd John Dunmore Lang, Bathurst enquired of Lang (who at that time was in England) which he would prefer, the salary or the money for the building, he chose the salary of £300 per annum. As a result, the Governor (by then Sir Ralph Darling) in 1826 directed the Colonial Secretary (Frederick Goulburn) to seek the return of the £520. A mortgage was taken out on the Church for the repayment of the loan, and this remained in force until cancelled on the instruction of the Secretary of State in 1841. The Trustees, Elders and members of the Committee of Management of the Scots Church on 13 September 1843(2)/22 petitioned the Legislative Council that injustice had been done, in that other denominations had received financial assistance for buildings but the Presbyterians had not (although Lang had specifically chosen his annual salary over the grant for the building). On 26 September 1843(2)/29 on the motion of Dr Lang (by this time an elected member of the Legislative Council) a Select Committee was appointed to enquire into and take into consideration the Petition.

*Members of the Committee* Thomas Icely; Thomas Walker; Alexander Thomson; Francis Lord; William Henry Suttor; William Bowman; John Dunmore Lang; The Colonial Treasurer (Campbell Drummond Riddell); Edward Hamilton; The Auditor General (William Lithgow - appointed 5 October 1843(2)/37).

Witnesses examined by the Committee David Ramsay, (a Trustee of the Scots Church); F Gaunson (Chairman of the Committee of Management of the Scots Church).

*Report of the Committee* The Committee reported on 13 October 1843(2)/43 and the Report and the Petition were printed. On 26 October 1843(2)/51 the Council, on the motion of Thomas Walker, in an Address to the Governor, prayed that a sum not exceeding £1,480 be placed on the Supplementary Estimate of Expenditure for the current year. However, on 8 November 1843(2)/58 the Governor replied that “I exceedingly regret that upon a full consideration of all the circumstances connected with the Scots Church in Sydney, I doubt whether I can recommend the appropriation of any further portion of the public money to the Trustees, or Committee of Management of that church. The claims of the Scots Church have been at different times very maturely considered by the House, as well as the Local government, also, by the late Legislative Council; and the remission of debt of £520, due from the Trustees to the Government, was considered, so lately as in the year 1841, to be a final settlement of the claims of the Church on the government

### **1843(2)/31 COMMITTEE ON THE REGISTRY BILL**

*Background* On 30 August 1843(2)/16 the Governor introduced a Draft of *A Law to establish a General Registry in Sydney*. He said that “it proceeds on the principle of placing under the control and responsibility of the Executive Government, whatever relates to the general interests of the Colony; leaving, however, to the Judges of the Supreme Court, the management of everything relating to the administration of justice....With the Draft of the proposed Act I transmit copies of a correspondence...[in which] I would particularly ask the attention of the Council to the Despatch from Lord Stanley (Secretary of State for the Colonies) dated the 15th December last, which appears to me to contain observations of the highest importance to the interests of the Colony”. This

correspondence was printed.. At the first reading of the Bill on 8 September 1843(2)/21 the full title was *A Bill to consolidate and amend the Laws and Regulations for the Registration of Deeds, Conveyances, and other Writings, affecting the real Estates situate in the Colony of New South Wales; and for the Registration of certain Marriages, Births, Baptisms, and Burials, which happen or take place within the said Colony; and for the Registration of all Charters of Incorporation, and of all Instruments or Memorials, by this, or any other Act required to be Registered.* On 28 September 1843(2)/31 the Bill was referred to a Committee.

*Members of the Committee* The Attorney General (John Hubert Plunkett); William Foster; Richard Windeyer; Roger Therry; Edward Hamilton; John Dunmore Lang; Alexander Thomson; Hastings Elwin.

*Report of the Committee* On 2 October 1843 (2)/34 “Dr Thomson presented a Petition from the Attornies, Solicitors, and Proctors of the Supreme Court of New South Wales...for the District of Port Phillip...praying that...the Bill shall not apply in anywise to the District of Port Phillip”: this was referred to the Committee. On 1 November 1843(2)/54 Hastings Elwin as Chairman of the Committee tabled amendments to the Bill. On 9 November 1843(2)/59 the Bill had its second reading, taking into account these amendments, and was then considered by the Council sitting in Committee. The Bill was *passed* on 20 December 1843(2)/82.

### **1843(2)/35 COMMITTEE ON AN OVERLAND ROUTE TO PORT ESSINGTON**

*Background* On 3 October 1843(2)/35 Charles Nicholson moved "That whereas the establishment of an overland route between the settled parts of New South Wales and Port Essington, will be attended with important additions to our geographical knowledge of the interior of Australia, and is an object, the accomplishment of which is also likely to be attended with great advantages to the commercial and other interests of this Colony, by opening a direct line of communication with Islands of the Eastern Archipelago---with India, and other parts of Australia;--Resolved, that a Committee be appointed for the purposes of enquiring into the practicability of such a design, and the means whereby it may be carried into effect”.

*Members of the Committee* Hastings Elwin; John Dunmore Lang; William Henry Suttor; William Charles Wentworth; Hamilton Hawkins Macarthur; Charles Nicholson.

*Witnesses examined by the Committee* Sir Thomas Livingston Mitchell (Surveyor General); George Windsor Earl; Shadrach Phillipus; John Mackay; Thomas Braidwood Wilson.

*Report of the Committee* The Committee reported on 20 October 1843(2)/48 and the Report, which includes a map of the proposed route, was printed.. The Council adopted a formal Address to the Governor asking that the recommendations of the Committee “appointed to consider the practicability of establishing an overland communication from the settled parts of New South Wales to Port Essington” might be implemented, and requesting that a sum not exceeding £1,000 be inserted in the Estimates for 1844 for that purpose. On 10 November 1843(2)/60 the Governor sent a Message in reply: “I quite agree with the Council in thinking it desirable that an attempt should be made to reach Port Essington by an overland route; but I fear I should (especially under present circumstances) be hardly justified in undertaking, without the knowledge of Her

Majesty's Government, an expedition of so hazardous and expensive a nature. In order however to obtain Her Majesty's pleasure on the subject, I will lose no time in transmitting a copy of your Address to the principal Secretary of State for the Colonies (Viscount Stanley". In his Despatch (No. 203 of 7 December 1843) Gipps said that he was doubtful of the proposal to attempt the direct route but noted that the Surveyor General, Sir Thomas Mitchell was in favour of it and believed that he could lead a successful expedition, although at a higher cost than the Council had suggested. The Secretary of State (in Despatch No. 75 of 24 October 1844) gave qualified approval "whenever you shall be of opinion that the funds of the Colony can properly bear such an expense, although it still appears to me, from the evidence which you have transmitted, that there is much force in the argument in favor of the less hazardous though more expensive expedition by way of the Sea Coast". The exploring expedition of Ludwig Leichhardt in 1844-45 ended at Port Essington, but the unsuccessful settlement was abandoned in December 1849.

### **1843(2)/38 COMMITTEE ON THE WATER POLICE ACT AMENDMENT BILL**

*Background* On 15 August 1843(2)/7 the Governor, by Message to the Council, proposed the draft of An act to amend the laws relating to Merchant seamen in the Colony. This was "by the express desire of Her Majesty's Government". An *Act for the further and better regulation of seamen within the Colony of New South Wales and its Dependencies, and for establishing a Water Police* [4 Vic no. 17 of 6 October 1840] had addressed the "great delay and inconvenience...to the owners and masters of vessels trading to and arriving at Port Jackson...by the desertion and other improper conduct of seamen belonging to such vessels". Under the Act vessels could be boarded and searched, passenger and crew lists were to be furnished on arrival and departure, and stowaways could be apprehended; the costs of the Water Police were to be met by a tonnage duty on cargoes. This Act had been referred to the Colonial Office, and Despatch No. 187 from the Secretary of State (Viscount Stanley), while generally approving the Act, drew attention to the provisions relating to summary powers of detention of deserting seamen. Accordingly, various amendments to the Act were required before Royal Assent could be given. (For the argument in respect of these amendments see the Despatch.) On 6 October 1843(2)/38 William Charles Wentworth presented "a Petition from the merchants, ship-owners, and master of vessels" praying the revision of the Water Police Act. He then moved the appointment of a Committee to consider the amending Bill and report on how its provisions might be "beneficially altered or modified".

*Members of the Committee* John Coghill; Thomas Icelly; D'Arcy Wentworth; The Collector of Customs (John Nathaniel Gibbes); John Blaxland; Alexander Thomson; Richard Jones; William Charles Wentworth.

*Witnesses examined by the Committee* Robert Towns; William Salmon Deloitte; Henry Moore; Daniel Egan; Hutchinson Hothersall Browne; Charles Mallard; William Augustus Miles; Ranulph Dacre; Thomas Broughton; John Ryan Brennan; Joseph Long Innes; William Currie Botts.

*Report of the Committee* Some of the witnesses believed that the Water Police were not needed, or that the Water Police Magistrate's duties should be given to the regular magistrates; others disagreed. Most felt that the tonnage duty of 6d should be halved. On

13 October 1843(2)/43 “Dr Nicholson presented a Petition from certain owners and commanders of vessels, lying in, and trading to Port Jackson, and or merchants and shipowners of Sydney...praying that the Water Police Establishment may not be abolished”. The Committee reported on 7 November 1843(2)/57 and the Report was printed. On 21 November 1843(2)/65 Charles Nicholson presented a further Petition from merchants, shipowners and others, praying that the Council might pause “before adopting the recommendation of the Select Committee...involving the abolition of the Water Police Establishment”. On 20 December 1843(2)/82 the Council in committee considered the Report and amended Bill, which abolished the position of Superintendent of the Water Police; reduced the Tonnage duty on vessels trading to Van Diemen's Land and New Zealand to 3d., payable once-yearly; and various parts of the original Act were either repealed or amended.

### **1843/(2)40 COMMITTEE ON THE POSTAGE ACT AMENDMENT BILL**

*Background* On 15 August 1843(2)/7 the Governor proposed in a Message to the Council the draft of *An Act to amend the law respecting the conveyance and postage of letters*. The purpose was to make persons who impeded the delivery of items to the Post Office whether wilfully or by negligence, liable to a penalty. On 10 October 1843(2)/40 John Dunmore Lang moved a series of resolutions relating to postage rates: these were referred to a Committee, and the *Postage Act Amendment Bill* was deferred for later consideration.

*Members of the Committee* The Auditor General (William Lithgow); John Panton; William Bradley; William Dumaesq; The Colonial Secretary (Edward Deas Thomson); Charles Nicholson; Hastings Elwin; Richard Windeyer; John Dunmore Lang.

*Witnesses examined by the Committee* James Raymond (Post Master General); J Phelps Robinson; S A Bryant; John Panton; William Dumaesq; William Bradley; Charles Hotson Ebden; Robert Owen.

*Report of the Committee* The Committee reported on 27 October 1843(2)/52 and the Report and Evidence were printed. In summary, its recommendations were in accordance with those proposed by Lang: The Post Office is an essential resource for the entire Colony, and rates of postage on all inland letters should be reduced to the lowest practicable amount---for town delivery to 1d., and 2d for letters between towns. Stamps should be introduced for the pre-payment of letters. No postage should be charged on newspapers (the present situation). The practice of franking letters sent by Government Departments should be discontinued, each Department being required to make provision in its Estimates for the cost of its postage. The Bill was *passed* on 12 October 1849, as *An Act to establish an Uniform Rate of Postage, and to consolidate and amend the Law for the conveyance and postage of letters*.

### **1843(2)/58 COMMITTEE ON PETITION FROM DISTRESSED MECHANICS AND LABOURERS**

*Background* In 1843 New South Wales was in the middle of a severe financial depression, and many working men, and especially skilled tradesmen, were unable to find work. On 1 November 1843(2)/54 John Dunmore Lang had presented “a Petition from certain of the Inhabitants of the City of Sydney and its vicinity, praying some immediate, adequate,

and permanent relief for the labourers now suffering great distress in Sydney, from want of employment". The Petition was printed. It was read and received, and on 8 November 1843(2)/58 the Council appointed a Committee "to take into consideration the best means of affording such relief as may be practicable"...

*Members of the Committee* John Dunmore Lang; The Attorney General (John Hubert Plunkett); Charles Cowper; Charles Nicholson; William Charles Wentworth; The Colonial Secretary (Edward Deas Thomson); William Dumaresq.

*Witnesses examined by the Committee* Robert Graham; John Panton; Benjamin Sutherland; John Drummond Crauford; Joseph M'Leod; James Grimes; Edward Mullens; William Crosby; Caroline Chisholm; Henry Bremer; Robert Ross; William Lawson; George Bowman; J Phelps Robinson; George Allen; Francis Lewis Shaw Merewether.

*Report of the Committee* The Committee reported on 24 November 1843(2)/68 and the Report was considered by the Council on 29 November 1843(2)/70: and was printed. The Committee found that the number of unemployed males in Sydney was at least 1243, with 2505 dependants. While expressing the opinion that the unemployed had no justifiable claim for compensation for being unable to practice their various trades – "the representations that were given in the mother country, of the actual state and prospects of the Colony ...were for the most part correct at the time...and neither those who gave them, nor the immigrants themselves, could have possibly anticipated the calamitous state of things that has since supervened". Nevertheless the Committee believed that "it is the bounden duty of the Government to afford relief, and the means of subsistence, to the utmost extent practicable in the actual circumstances of the Colony". The Committee had consulted with the Benevolent Society and had ascertained that it was already affording some immediate relief in cases of extreme destitution. The provision of funds to allow some of the unemployed to travel to country areas in search of employment deserved to be continued; and special mention was made of the efforts of Mrs Caroline Chisholm in making arrangements for thirty families to be settled as small farmers on unimproved land in the Illawarra district. Further, the Committee recommended that new public works, including the erection of a Customs House, should be undertaken; and the City Corporation should be encouraged in providing "public work of general and permanent utility", since the "great bulk of the unemployed, whether mechanics or labourers, consist of what is essentially a town population and have been long domiciled in Sydney". The Committee pointed out that "for several years...the Colony had been enjoying a season of unexampled but unreal prosperity--prosperity based on the illusive anticipation of extraordinary returns from the investment of funds borrowed...at an exorbitant rate of interest, and expended in what has ultimately proved ruinous speculations in land and stock...the employers of labour have for the most part been reduced from supposed wealth, to actual embarrassment...and the industrious classes have, in comparatively large numbers, been altogether deprived of their usual means of subsistence". The Committee observed that the high unemployment arose from various causes: the great demand for labour in the period of imagined prosperity, the fact that many of the bounty immigrants of 1839, 1840 and 1841 were from town populations rather than being agricultural labourers and shepherds and consequently averse to going to the interior of the Colony on any terms, or were persons having large families whom the settlers were unable to support. It believed, however that it was not an attraction to the city from the interior by the allurements of a town life, nor that many of the unemployed were simply holding out for higher wages. "Families of this class have been living, for month past, on the savings of their former industry, but these are now all

gone". The Committee went on to say that it "cannot concur with the Petitioners in thinking, that free immigrants who arrived in the Colony at the public expense, during the times of general prosperity, can have any such claim upon the Government for constant employment, at remunerating wages, in their respective handicrafts..." When the Council considered the Report on 29 November 1843(2)70 it requested the Governor "to give the requisite instruction for carrying into effect, the recommendations embodied in the Report of a Select Committee...appointed to take into consideration the Petition..."

#### **1843(2)/60 COMMITTEE ON DEFICIENCIES IN ESTIMATES FOR 1842**

*Background* On 31 October 1843 the Colonial Secretary (Edward Deas Thomson) had given notice that he proposed to move "that out of the sum of £92,487 6s 1d, being the amount of sums appropriated, but not expended for the service of 1842, there shall be applied any sum or sums not exceeding £30,743 15s., to supply the deficiency in the sums appropriated for certain Departments and Services for that year". On 2 November 1843(2)55 he "reserved his motion on this subject, until the Council should go into Committee on the Estimated of Expenditure for the year 1844, in compliance with the Standing Order of the House, No. 49, which confines the discussion of matters of Finance, to Committees of the whole House". On 10 November 1843(2)/60 a Committee was appointed "to consider the Statement laid before the Council, of sums appropriated but expended for the service of the year 1842, and of sums required to cover deficiencies for certain services for that year..."

*Members of the Committee* Richard Windeyer; John Dunmore Lang; Charles Cowper; The Auditor General (William Lithgow); The Colonial Secretary (Edward Deas Thomson); Thomas Walker; William Charles Wentworth.

*Report of the Committee* The Committee reported on 13 December 1843(2)/78 and the Report was printed.. The Committee was strongly critical of the appropriation in past years by the Executive Government of sums of money on items not discussed by the Council, let alone authorised by it. It fell short, however, of criticizing the present Governor (Sir George Gipps). The Committee did, however, comment in its Report that "it is a matter of doubt with them even whether they ought to recommend to your Honorable Council a retrospective vote of appropriation to ratify such expenditures. Upon mature consideration, however, of the whole matter, and upon the express understanding that all sums heretofore taken from the general revenue, and applied to objects properly chargeable on the land fund, shall be refunded to the general revenue, as soon as possible, your Committee do not consider that any further opposition should be made to the retrospective *Act of Appropriation* which is now solicited at the hands of the Council".

#### **1843(2)/65 COMMITTEE ON THE OPERATION OF THE INSOLVENT ACT**

*See also 1830/5 Committee on the Insolvent Debtors Bill, 1832/2 Committee on the Insolvent Debtors Bill, and 1838/7 Committee on the Imprisonment for Debt Bill*

*Background* On 15 September 1841/22 the Governor had introduced *A Bill for giving relief to Insolvent Persons, and to provide for the collection, administration, and distribution of Insolvent Estates, within the Colony of New South Wales, and for the prevention of frauds affecting the same.* After considerable consideration by the Council this Bill was *passed* on 29 December 1841/33 and appears to have put into operation. However, Despatch No. 30 from the Secretary of State (Viscount Stanley), of 27 February 1843 stated that "...Her Majesty's decision [on the Act] is suspended. At this distance from the Colony it is impossible to estimate aright, enactments so numerous and minute, and relating to matters of which the interest and the significancy are so peculiarly local. This is one of those laws which can be brought to no satisfactory test but that of experience; after it shall have been in operation for two years, you will acquired such an insight into the defects and advantages of the law, as will enable you with confidence to report on the actual results of it, and to recommend such amendments as may be necessary for carrying the views of the Legislature into complete effect..." Stanley went on to make some comments on the proposed powers to be given to the Judges "in the exercise of which, it is, I think, desirable that the Judges should be subject to the control of the Legislative authority. Their rules ought not, in my opinion, to be binding, until they have been confirmed by an Act of the local Legislature". This Despatch was tabled in the Council on 18 August 1843(2)/10 and was printed. Following this, on 16 November 1843(2)/63, the Governor proposed *A Bill further to amend an Act...for giving relief to Insolvent persons, and providing for the due collection, administration, and distribution of Insolvent estates within the Colony of New South Wales, and for the prevention of frauds affecting the same.* On 21 November 1843(2)/65 the Council appointed a Committee "to report to this House, how far it may be expedient to repeal, amend, or modify the provisions of the same". It should be noted that on 22 September 1843(2)/28 the Council had passed *An Act to prevent the waste of the property of debtors, under process of law,* referred to in the record of the Votes and Proceedings as the *Solvent Debtors Bill:* this presumably had not raised doubts and uncertainties arising from the consideration of the *Insolvent Act.*

*Members of the Committee* Charles Nicholson; Charles Cowper; William Foster; Robert Lowe; The Attorney General (John Hubert Plunkett); Roger Therry; William Charles Wentworth.

*Witnesses examined by the Committee* W H Kerr; Ambrose Foss; Thomas Burdekin; Robert Bourne; Samuel Lyons; Randolph John Want; Severin Kanute Salting; John Moring; Archibald Campbell; Felix Wilson; David Poole; Edward Smith Hall; Stevenson Atkins Bryant.

*Report of the Committee* The Committee reported on 8 December 1843(2)/76 that "the general tendency of the evidence...has impressed them with the belief that the principle of the *Insolvent Act* is founded in justice and reason, and that the abuses, frauds, and waste of property, which have undoubtedly to a considerable extent attended the working of the Act, may be attributed in a great measure to the unparalleled distress of the times--to the circumstance of the measure having been previously untried, and to the general apathy of creditors...your Committee have found it impracticable to go into all the amendments in this complicated and elaborate Act...yet there are a few which...your Committee would recommend to be embodied in a short Act". The Committee hoped that "a deliberate and well considered measure" might be introduced in the next Session. In the meantime the Committee's proposals were (1) a return to the system of voluntary assignment when a majority of the creditors agreed; (2) the appointment of official assignees, to have the management of every insolvent estate; (3) to give the

Commissioner the power of committal for contempt, answering evasively, and for minor frauds and misconduct present because of the defect of the law which allows escape with impunity; (4) the power of granting the certificate be withdrawn from the creditors and given to the Judges; (5) an allowance be made to every insolvent, at the discretion of the Commissioner, since in the absence of such a provision “many persons have been driven to secrete property which they would have disclosed, if relieved from the fear of actual destitution”; (6) the abolition of imprisonment for debt, which “without affording any additional protection to the plaintiff, gives a vindictive creditor the power of depriving his fellow creditors, of their right to benefit from the labor of their debtor, and drives that debtor...to the demoralizing and humiliating refuge of the Insolvent Court.” The Report and Evidence were printed. On 27 December 1843(2)/85 the Governor sent a Message to the Council recommending an amendment, to which the Council agreed. The Bill was *passed* on 21 December 1843(2)/83.

### **1843(2)/69 COMMITTEE ON THE CAMPBELLTOWN BOUNDARIES**

*Background* On 20 October 1843(2)/48 William Bowman introduced *A Bill to separate Campbelltown and Appin, from Camden, Narellan, and Picton, and to erect Campbelltown and Appin into a District having a Council for itself*. On 28 November 1843 (2)69 a Committee was appointed to define the boundaries to be prescribed by the Bill.

*Members of the Committee* Charles Cowper; Roger Therry; Hannibal Hawkins Macarthur; John Panton; The Attorney General (John Hubert Plunkett); William Dumaesq; The Colonial Secretary (Edward Deas Thomson); Richard Windeyer.

*Witnesses examined by the Committee* The Surveyor General (Sir Thomas Livingston Mitchell); William Macarthur (of Camden).

*Report of the Committee* The Report was tabled on 6 December 1843(2)74 and was printed.. “The question resolved itself into one affecting the interest of individuals residing in two divisions of this part of the country, one part of whom use the Cowpasture Road, and the other, the road known by the name of the Campbelltown Road.” The recommendation of the Committee was that the cost of maintaining these roads should fall upon those who used them. The *Campbelltown District Council Bill* was passed on 15 December 1843(2)/80

## Session of 1844

### 1844/5 COMMITTEE ON THE ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH OPENING THE 1844 SESSION

*Background* At the commencement of the 1844 Session on 28 May 1844 the Governor (Sir George Gipps) addressed the Council. The 1843 Council had been prorogued on 28 December 1843 and had been expected to sit again on 6 February 1844, but the commencement of the Session was postponed to May as a matter of convenience. During the recess nearly 2500 new immigrants, carefully selected in the United Kingdom, had arrived and for the most part had found work; but there still large numbers of mechanics out of employment who had been longer in the Colony (being generally, those who did not wish to accept employment as shepherds in the remote interior). The Governor told the Council that "I shall be happy to concur with you in any measures which you may think expedient, for the relief of this latter class of persons". Among other measures were to define and extend the powers of District Councils; and "a new Law under which it is proposed to admit the evidence of the Aborigines in the Courts of this Colony". He went to reassure members that "notwithstanding the pecuniary distress which has so long prevailed in the Colony, there is nothing in the state of the public finances which should in my opinion create alarm...the ordinary Expenditure of the whole year did not exceed the ordinary Revenue, and it is the Territorial Revenue of the Crown alone which is encumbered with a debt, that being the result of the issue of the debentures which the Council had approved of on 21 December 1841/32. The Financial Papers for the past year and the Estimates for the ensuing year would be tabled without undue delay". Following this speech and after the Governor had left the chamber, it was resolved that a Committee be appointed to prepare an address in reply.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); William Bradley; William Charles Wentworth; Charles Cowper; Charles Nicholson; Edward Hamilton; William Dumaresq.

*Report of the Committee* The address in reply is printed in the record of the day's proceedings. The Governor sent a formal reply which was received by the Council on 30 May 1844/7.

### 1844/7 COMMITTEE ON CROWN LAND GRIEVANCES

*Background* On 30 May 1844 Mr Cowper moved "that a Select Committee be appointed to enquire into and report upon all grievances connected with the lands of the Territory; and that it be an instruction to the Committee, to distinguish between the grievances which can be addressed in the Colony, and those which cannot".

*Members of the Committee* Charles Cowper; Charles Nicholson; William Bradley; Robert Lowe; D'Arcy Wentworth; Richard Windeyer.

*Witnesses examined by the Committee* Thomas Livingston Mitchell (Surveyor General); Captain Phillip Parker King, R.N.; Benjamin Boyd; William Henry Suttor (of Bathurst); Lachlan Macalister; Joseph Phelps Robinson (formerly of the Cape of Good Hope) ; John Dobie (of the Clarence River); Henry Dangar (of Neotsfield in the County of

Northumberland); George Cox (of Mulgoa); Robert Vernon Dalhanty; James Frederick Palmer (of Melbourne, Port Phillip); Silvanus Brown Daniel (of the Lachlan River); Thomas Barker; Joseph Smith (of New England); Francis Kemble; George M'Leay; Robert Crawford (of Hill End); Captain Maurice Charles O'Connell; Stuart A Donaldson; Oswald Bloxsome (Manager of the British and Colonial Loan Company); Major J W Nunn (Commander of the Mounted Police); Major W H Christie (Agent of Church and School Lands); James Macarthur; Edward Mayne (of Liverpool Plains); Campbell; Drummon Riddell (Colonial Treasurer); Edward Deas Thomson (Colonial Secretary).

*Replies to a Circular Letter, addressed to Gentlemen residing too remote from Sydney, to expect the favor their personal attendance upon the Committee; considered by the Committee, and printed with the Report [The Circular Letter asked the following questions: 1. What is your opinion as to the expediency of raising the minimum price of Crown Land to one pound per acre? 2. What is your opinion of the Government Regulations of the 2nd of April last, in reference to Depasturing Licenses, and what effect do you think they are likely to have upon the prosperity of the Colony? 3. Will you state your opinion as to the nature and exercise of powers vested in the Commissioners of Crown Lands, both within, and beyond the Boundaries of Location? 4. Will you state your opinion as to the efficiency of the Border and Native Police? 5. What is your opinion of the influence exercised by the present Depasturing Licensing system upon the general improvement of the Colony, and the social and moral condition of its inhabitants? 6. What is your opinion as to the effect of the Government enforcing the payment of large arrears of Quit rents? 7. If you should be of opinion that grievances exist on any of the subjects above mentioned, can you offer any suggestions for their remedy? 8. Do you consider that a right of pre-emption should be given to the Squatters? John Clements Wickham (Police Magistrate, Moreton Bay); Evan Mackenzie (of Brisbane, Moreton Bay); William Nairne Gray (Police Magistrate, Moreton Bay); William Henry Geary (of Port Macquarie); William Bell Carlyle (of Hamilton, near Port Macquarie); Philip Gidley King (of Stroud, Carrington, Port Stephens); James Edward Ebsworth (of Boorell, near Carrington, Port Stephens); Colonel Kenneth Snodgrass (of Eagleton, Raymond Terrace); Archibald Windeyer (of Kinross, Raymond Terrace); Thomas Cook (of Austentorlie, near Dungog); William Knox Child (of Mount Vincent, near East Maitland); Robert Lethbridge (of Oakhampton Park); Jones Agnew Smith (late of Melbourne); William Francis Gordon (of Maitland); John Brown (of Coulston, near Gosford); Charles Boydell (of Camyr Allyn, Gresford); Constantine Talbot Crichton (of Gresford); Vincent Dowling (of Canningalla, near Dungog); Helenus Scott (of Glendon); James Bowman (of Ravensworth, near Singleton); William Russell (of Mary Ville, Jerry's Plains); William Ogilvie (of Merton); David Charles Frederick Scott (of Bengalla); W C Mayne (of Skellatar, Muswellbrook); Thomas Hall (of Dartbrook, Scone); Charles Simpson (of Scone); George Jenkins (of Tamworth, Peel's River); Isaac Haig (of Scone); Roderick Mitchell (of Liverpool Plains); Allan Macpherson (of Liverpool Plains); Alexander Busby (of Cassilis); William Henry Clarke (of Pembroke, near Cassilis); Robert Furlong (of Mudgee); William M Lowe (of Mudgee); Robert Lowe (of Wilbetree, Mudgee); John Maughan (of Dundullarnal, Wellington); Thomas Hood Hood (of Molong, Wellington); George Rankin (of Saltram); Edwin Park (of Woodstock, near Bathurst); James Maxwell (of Liddelton, Clwyd, near Hartley); Robert Fitzgerald (of Windsor); Henry Cox; Edward Cox (of Fernhill, Mulyou); Robert Copland Lethbridge; Henry Bayly (of Bayly Park); Charles Tompson (of Clydesdale); David Dunlop (of Wollombi); Alexander Warren (of Brandon, Seaham); Henry Donnison (of Erian, Brisbane Water, near Gosford); Henry Gunsley Watson (of Toorigal, Brisbane Water); Thomas Forster (of Brush Farm, near Parramatta); William Forster (of Brush Farm, near Parramatta); James Brindley Bettington (of Oatlands, Parramatta); Samuel Moore (of Moore Bank, near Liverpool); Edward Weston (of Horsley, near Liverpool); William Howe, Snr. (of Glenlee, near Campbelltown); William Howe, Jr. (of Glenlee, near*

Campbelltown); W H Broughton (of Broughtonsworth); Matthew Macalister (of Clifton); John Wild (of Vauderville, near Picton); Patrick Plunkett (of Wollongong); John Osborne (of Wollongong); Alick Osborne (of Daisy Bank, near Wollongong); Robert Martin Cole (of Mount St Thomas, near Wollongong); William Hood Wason (from near Broulee); James Mackay Gray (of Kiama); Andrew Wauchope (of Moredun, near Armidale); Thomas Augustus Perry (of Llangollen, near Armidale, New England); John Nicholson (of Bathurst); John Nicholson (of Sutton Forest); William Fury Baker (of Bronte, near Bungonia); George Campbell Curlewis (of Ravensworth, near Bungonia); Francis Murphy (of Jacqua, near Bungonia); Charles Throsby (of Throsby Park, near Berrima); Robert Pitt Jenkins (of Bomballa, near Berrima); Francis Macarthur (of Norwood, near Goulburn); William Pitt Faithful (of Springfield, Goulburn); Captain John Gore (of Gilmour, Lake Bathurst, Goulburn); Laurence Harnett (of Rose Brook, Queanbeyan); Henry Hall (of Charnwood, Queanbeyan); Alured Tasker Faunce (of Queanbeyan); John Richard Hardy (of Murrumbidgee, Yass); Cornelius O'Brien (of Hardwicke, Yass); Hamilton Hume (of Cooma, Yass); George Thomas Potter (of Cavan, Yass); Kinnear Robertson (of Maharatta, Maneroo); Benjamin Sullivan (of Kempsey, M'Leay River); Leopold Fane De Salis (of Darbulara, Yass); William Lonsdale (of Melbourne); Henry Condell (of Melbourne); Andrew Russell (of Melbourne, Port Phillip); Samuel Raymond (of Melbourne); William Hall (of Melbourne); Charles Payne (of Melbourne); Frederick Berkley St John (of Melbourne, Port Phillip); Peter Macarthur (of Arthurton, near Melbourne); John Fitzgerald Leslie Foster (of Leslie Park, Melbourne); W H F Mitchell (of Mount Macedon, Port Phillip); William Firebrace (of Melford, near Melbourne); John Moore Airey (of Geelong); Edward Brown Addis (of Geelong, Port Phillip); Edward Bell (of Geelong, Port Phillip); James Newton (of Mount Shadwell, Geelong); James Blair (of Portland); Edward Henty (of Portland); Archibald Cunningham (of Port Phillip); William Montague Rothery (of Port Phillip); Acheson French (of Grange); E B Suttor (of Baulkham Hills, near Parramatta); William T Taylor (of Mana River, Port Macquarie); William Kemp (of Port Macquarie); John Hawdon (of Kiora, Broulee); J A Betts (of Wilmington, Windsor); Charles George Gray (of Port Macquarie); S G Henty (of Portland); Nicholas Alexander Fenwick (of Geelong); Robert Johnston (of Annandale, near Sydney); Foster Fyans (of Portland Bay); Alexander F Mollison (of Melbourne, Port Phillip); George Playne (of Melbourne, Port Phillip); Edward Curr (of St. Hillier's, near Melbourne).

*Public Meetings* Meetings were held at Sydney, Scone, Goulburn, Penrith, Mudgee, Camden, Singleton, and Australia Felix (Melbourne). The Committee had the reports of these meetings: they are printed as an appendix to the Report.

*Report of the Committee* The Committee reported on 20 August 1844/42 and the Report and Minutes of Evidence were printed.. The Report was considered by the Council on 13 September 1844/57 and 17 September 1844/58 and the Council passed a number of Resolutions, the intent of which was to seek to have the Recommendations of the Committee put into effect. The following notes attempt to summarize the substance of the Report: (1) The Committee saw as a major grievance the price of land, which the Home Government had recently raised from the original price of 5s. an acre to 12s. and then to 20s. (one pound): land sales had become almost non-existent, and “the effect has been to injure England, by stopping the tide of emigration, and Australia, by preventing its boundless territory from being applied to the uses of civilised man” (2) Another grievance was the Depasturing Regulations: Acts of 1836 and 1839 had provided for the licensing by occupiers of land outside 'the limits of location, the proceeds to be used for the expenses of the several Commissioners of Crown Lands, and of the Border Police;

however, proposed new regulations in April 1844 in the view of the Committee and on the advice of many witnesses, were evidence of a desire by Government “to keep the squatters on their present precarious tenure”. (3) The Committee recommended the immediate repeal of the Crown Lands Occupation Act “which was obtained under the distinct understanding that the license fee and assessment should both be applied to the purposes of mutual protection and security...[but] a claim is now set up to separate these license fees from the assessment, to appropriate them to other purposes, and to treat them as what they were evidently never intended to be--a payment for the use of crown-land...the Council has a right to require from the Executive Government the dissolution of a contract which has been so contrived as to bind one party, while it appears to have left the other free”. (4) The Committee went on to point out that “the repeal of this Act will involve the reorganization of the border police. The employment of convicts as a mounted constabulary might be justified by the necessity of the time, but is no longer required”. It would be preferable to use regular soldiers who could readily be obtained from the regiments. (5) The Committee noted that Native Police has been successfully used in Port Phillip but thought they should not be used generally as an independent force. (6) The Committee had considered “the moral and social evils arising out of, and necessarily attendant upon, the condition of the occupiers of land beyond the boundaries...The uncertainty of tenure under a yearly license, subject to withdrawal at the will of the Executive, upon a mere report or recommendation of a commissioner, or even by one justice of the peace, prevents the establishment of any means for religious instruction or education”. In addition, the lack of certainty of tenure meant that permanent improvements would not be made: “so long as the present feeling of uncertainty exists, the evils of dispersion will thus be aggravated, and the resources of the country left undeveloped”. (7) The Committee had been advised that in respect of quit-rents “not only are the rates of various amounts, but the conditions under which they have been imposed, are very different...In some instance...the quit-rent was allowed to be reduced wholly, or in part, by maintaining and clothing convict servants, and the belief was almost universal that they would be either remitted or compromised; certainly, that they would never be enforced by legal measures to the ruin of the debtor”. Government had allowed the quit-rents to accumulate; “many persons purchased, without being aware of any such claim on the land, and much of the land is not now worth the amount of quit-rent due”. The Committee was of the opinion that the whole system of quit-rents should be reviewed, and perhaps discontinued. (8) The Committee observed that there ought to be consistency in the way mineral rights were reserved to the Crown. (9) Finally, before proceeding to its formal recommendations, the Committee stated its opinion “that no thorough remedy for the grievances connected with the crown lands of the Colony can be hoped for, till the whole of the revenues arising from those lands be carried to the account of the ordinary revenue, and the management of those lands be also placed under the control of the Governor and Legislative Council”. (10) The recommendations of the Committee may be summarized as follows: (a) “The regulations of 2nd April 1844 [should] be recalled, because they are, in the opinion of every witness, impracticable in principle, and oppressive and ruinous in detail.” (b) “The license fee [should] be either wholly abolished, or reduced to a nominal sum.” (c) “The Squatting Act 2 Vic no 27 [should be repealed], and...another Act be passed, limited and defining the powers now vested in commissioners” and an assessment, to be part of the ordinary revenue “out of which the expense of the mounted police, proposed to be substituted for the present border police, and of the commissioners of crown lands, shall be defrayed”. The Act should also allow for the holding of petty sessions beyond the boundaries. (d) Funds should be put at the disposal of the Council “to make some provision for the religious instruction...of this hitherto neglected portion of the community”. (e) “As

regards the rent of crown lands within the boundaries...the upset price [should] be diminished to fifteen shillings per section per annum". (e) The Governor should "waive the prerogative of insisting upon payment of quit-rents due more than six years before the present time" and that some arrangements should be made in cases where "the impossibility of levying them, without utter ruin to the debtor...as the equity of each case may seem to require". Some quit-rents should be reduced. (f) In general, mineral rights should be allowed to grantees and purchasers of crown lands. (g) Although a grievance which could not be addressed in the Colony, there should be "the total and immediate repeal of 5 and 6 Vic ch 36...almost every provision of that Act is...unsuitable to the circumstances of the Colony", including the high minimum price. (h) "Your Committee would further recommend the vesting of the management of the crown lands, and the revenue arising there from, in the Governor and Legislative Council of the Colony, by an Act of the Imperial Parliament, as has been done in Canada, Newfoundland, and other British Colonies."

*Note For an extended account of the background to this see the article (in two parts) by Ken Buckley---Historical studies, Australia and New Zealand, vol 6 no 24 May 1955, vol 7 no 26 May 1955.*

## **1844/10 COMMITTEE ON INSECURITY OF LIFE AND PROPERTY**

*Background* By 1844 there was widespread unrest, especially in Sydney, because of perceived threats to persons, and their property; this was perhaps a product of a society which was still partly composed of convicts who had served their sentence and chose to remain in the Colony, and escaped convicts still at large. Of particular concern was the presence of convicts whose sentence of transportation had been to Norfolk Island: these were convicts convicted of second offences while still serving their primary sentence, and it was widely believed that they were likely to be particularly vicious. On 6 June 1844/10 Charles Nicholson moved "That a Select committee be appointed to enquire into, and report upon the means for checking the outrages against the public peace, and the security of life and property, to which the inhabitants of Sydney and its neighbourhood are now daily exposed; to enquire into the nature of the control and superintendence exercised over the prisoners in Hyde Park Barracks, of those employed in gangs and public works; to ascertain the numbers and adequacy of the present Police Force of Sydney, and to suggest such means as are advisable for giving to it due and requisite efficiency. Also, that it be an instruction to the above Committee to examine, and report upon the extent to which the violation of the public peace, the great increase in crime, and the consequent demoralization of a large portion of the community, may be considered referrible [*sic*] to the return of expirée convicts from Norfolk Island; and to determine upon the expediency of presenting from this Council, a humble Petition to Her Majesty, praying that Her Majesty may be graciously pleased to direct that all Prisoners of the Crown, whose sentence of transportation to Norfolk Island may have expired, or who may have received Conditional Pardons, be prohibited from returning to any part of the Colony of New South Wales".

*Members of the Committee* Charles Nicholson; Joseph Phelps Robinson; Edward Hamilton; Robert Lowe; Thomas Livingston Mitchell; The Colonial Treasurer (Campbell Drummond Riddell); D'Arcy Wentworth; Adolphus William Young.

*Witnesses examined by the Committee* William Augustus Miles (Chief Commissioner of Police); Charles Windeyer (Police Magistrate for Sydney); John Wearin (Chief Inspector of Police); Henry Keck (Governor of the Woolloomooloo Gaol); John Barker

(Messenger to the Police Office); Joseph Long Innes (Visiting Magistrate of Hyde Park Barracks, the Gaol and Cockatoo Island, and in charge of the Sydney convict work gangs); Timothy Lane (former Superintendent of the Hyde Park Barracks); H H Browne (J.P); James Leckey (Keeper of the Domain); George Stone (Constable and scourger of the Hyde Park Barracks, and a convict); Matthew Carroll (Constable and summons server in the Sydney Police); Captain Maclean (Principal Superintendent of Convicts); Mortimer William Lewis (Colonial Architect); John Long Horsey (Superintendent of the Hyde Park Barracks); John Ryder Flaherty (Deposition Clerk at the Hyde Park Barracks); Sergeant Whelan (Sydney Police).

*Report of the Committee* The Committee reported on 23 August 1844/45. The Committee observed that there had indeed been an increase in crime, although “not so much in the augmentation of the number of cases, as in the larger than usual proportion of aggravated offences that have occurred, in and around the neighbourhood of Sydney, during the last twelve months”, reported by several witnesses. A public meeting in Sydney, and a Petition signed by 682 persons had complained that the “late outrages on life and property in Sydney and its neighbourhood” had led to “a deep sense of insecurity”. The Committee concluded that a partial cause was unemployment and low wages during the continuing financial depression. In addition, the Committee had concluded, from much evidence, that “the irregular or inefficient control over the inmates of the [Hyde Park Barracks]...and the prison population in and around Sydney” was responsible for “a large, if not the chief share of the late violations against the public peace”. Over the previous four years almost 1200 prisoners who had been serving secondary sentences on Norfolk Island had been returned to the Colony for various reasons: most of these, far from having “undergone some reformation in their previous character and habits on the contrary appear to be more hardened to vice, and more prone to the commission of every species of crime”. Other convicts housed in the Hyde Park Barracks were employed on the various work gangs around Sydney and were not adequately supervised, and they appeared to come and go as they pleased. No criticism of the police could be made on the grounds of neglect or inefficiency, although almost all the witnesses deprecated the discontinuance of the office of Chief Constable; “old offenders frequently escape in consequence of their not being recognized by the adjudicating magistrate”. The Committee believed that the sentences passed upon offenders by the Courts of Quarter Sessions were not stringent enough, especially on repeat offenders. It recommended that the Council make representations to the Governor seeking “the removal of the whole, or as many of the convicts as it may be possible, now in the Hyde Park Barracks, from the neighbourhood of Sydney” where “the temptations arising from proximity to old haunts, and old associates, together with the facilities afforded in disposing stolen property, can scarcely fail to prove a source of mischief”. Lastly, the Committee called for the Council to “present their urgent and strong remonstrances against the continuance of that system whereby the prisoners from Norfolk Island are allowed to be landed on the shores of this Colony”. On 27 September 1844/65 Nicholson, who had initially proposed the appointment of the Committee and who had chaired it, moved “That this Council, having taken into consideration the Report of the Select Committee...adopts generally the opinions expressed therein”, and on 1 October 1844/66 the Council resolved (1) That it “adopts, generally, the opinions expressed” in the Report. (2) “That the importation of Prisoners from Norfolk Island into Sydney, is an intolerable grievance, intailing [*sic*] upon the Colony, in an aggravated form, all the evils, without any of the benefits of the Convict system”. (3) “That no Prisoner who has been transported from this Colony to a penal settlement for life, ought to be brought back to the Colony by the Government”. (4) “That the assembling of from

six to eight hundred Convicts in a single building, in the midst of this City, has tended to the insecurity of life and property; afforded temptations and facilities for the commission of crime; and exercised a demoralising influence on the habits and character of the community”. (5) “That these evils have been greatly augmented by the absence of any proper system of discipline and management; by the employment of Convict Overseers; and by the great remissness of the Officers to whom these Overseers are accountable”. (6) “That in the opinion of this Council, the Convicts now in Hyde Park Barracks ought to be immediately sent into the country, under proper guards, to be employed on the roads or other public works”. (7) A proposal “that no assigned [convict] servants should be allowed to remain in Sydney” was not adopted by the Council. (8) However, a proposal “that no ticket of leave should be granted or exchanged for Sydney, or any other large town” was adopted after a division (Ayes 9, Noes 6). The Council also passed the remaining three resolutions: (9) “That any reduction of the Military Force now stationed in the Colony [which had recently been announced], will be dangerous to the lives and property of Her Majesty's subjects in New South Wales”. (10) “That a copy of these resolutions be transmitted to the...Secretary of State for the Colonies”. (11) “That an Address be presented to the Governor, transmitting the foregoing Resolutions, and praying that His Excellency will be pleased to take the steps necessary for carrying them into effect”. On 27 November 1844/74 the Governor replied that he would send to the Secretary of State for the Colonies a copy of the Address to him which the Council had made on 1 October 1844/66 together with a copy of the Report of the Committee. However, he went on to say that “I regret it is not in my power to remove from Hyde Park Barracks the Convicts now in that Establishment, for the purpose of employing them on the Roads, or other Public Works in the Colony. Whilst in Hyde Park Barracks these men are fed, clothed, and entirely maintained, out of funds voted by [the British] Parliament for the support and control of Convicts; but if removed from that Establishment, and employed in the Rural Districts, they must be lodged, fed, clothed, and maintained, at the expense of the Colony---an expense which I regret to say, the funds of the Colony are not at the present moment in a condition to bear. Independently moreover of any consideration of expense, I cannot but greatly apprehend that in the Rural Districts of the Colony, they would have far greater facilities for committing aggressions on Life and Property, than they now possess in Hyde Park Barracks. Tickets of Leave for the City, or neighbourhood of Sydney, have for several years past been issued very sparingly; and I have recently still restricted the conditions on which they are granted”.

## **1844/11 COMMITTEE ON THE INSOLVENT ACT AMENDMENT BILL**

*See also* 1839/5, 1832/2/ 1838/7 and 1843(2)/65

*Background* The earlier Committees noted above are examined in the entry at 1843(2)/65. That 1843 Committee had considered in detail the Bill then proposed, and in line with its Report the *Insolvent Act Amendment Bill* had been *passed* on 21 December 1843(2)/83. The Committee has reported that “your Committee have found it impracticable to go into all the amendments in this complicated and elaborate Act...yet there a few which...your Committee would recommend to be embodied in a short Act” It hoped that “a deliberate and well considered measure” might be introduced in the next Session. Charles Nicholson who had chaired the 1843 Committee therefore, on 7 June 1844/11, moved the appointment of a Committee to further consider the Insolvent Bill.

*Members of the Committee* Charles Nicholson; Robert Lowe; William Foster; Roger Therry; William Charles Wentworth; Richard Windeyer; Adolphus William Young; The Attorney General (John Hubert Plunkett, added to the Committee on 10 July 1844/24).

*Report of the Committee* No Report was printed. The Bill came up for its second reading on 9 August 1844/37 and the Council went into Committee to consider it, presumably with advice from the Committee. Some amendments were made, and the Bill was *passed* on 13 August 1844/38.

## 1844/13      COMMITTEE ON THE EXTENSION OF THE ELECTIVE FRANCHISE

*Background* On 13 June 1844/13 John Dunmore Lang moved “That a Select Committee be appointed to ascertain whether any, and what measures are requisite for the extension or improvement of the representation of this Colony under the [New South Wales] Act of [the British] Parliament, 5 and 6 Victoria, ch.76”.

*Members of the Committee* John Dunmore Lang; Richard Windeyer; William Bowman; Edward Hamilton; Thomas Livingston Mitchell; William Charles Wentworth; Charles Cowper; William Henry Suttor.

*Witnesses examined by the Committee* [The evidence of a number of witnesses, including that of the Mayor of Sydney, had been lost through the negligence of the reporting department of the Council Office. The names of those witnesses whose evidence the Committee was aware of follow:] John Carfrae, of Port Phillip; Thomas Cadell, of the Hawkesbury District; Melville Innes, of Upper Minto, in the County of Camden; Thomas Livingston Mitchell, Richard Windeyer; Lachlan Macalister, of Port Phillip; John Inches, of the Hunter River; Henry Macdermott, Alderman of Sydney; Thomas Broughton, Alderman of Sydney; Thomas Walker; William Currie Botts.

*Replies to a Circular Letter addressed to Gentlemen residing too remote from Sydney, to expect the favor of their personal attendance upon the Committee* [The Circular Letter asked the following questions: 1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land? 2. In the event of your being favourable to the extension of the franchise to this class, what term of lease would you recommend as a minimum? 3. What would you recommend as the minimum rental to entitle the franchise, bearing in mind that householders occupying houses worth twenty pounds a year are entitled to vote? 4. Is it your opinion that the registration of such leases for a certain time previous to an election should be indispensably necessary to entitle the leaseholder to the franchise? 5. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise? 6. Is it your opinion that the elective franchise should be extended to squatters? 7. In the event of your being favourable to the extension of the franchise to this class, on what would you recommend that it should be based--the payment of a license to depasture stock, or the possession of a certain quantity of stock subject to assessment?] [All of the following replies are from Benches of Magistrates unless otherwise shown], Parramatta; Penrith; H Bayly, of Parramatta, partly dissenting; Bathurst; Mudgee; Scone; Merton; Singleton; Maitland; Port Macquarie; Wollongong; Campbelltown; Picton; James Blair, of Portland; Berrima; Gosford; Bungonia; Cornelius O'Brien, of Yass; David Dunlop, of Wollombi; George Bowman, of Archerfield; Thomas Cook, of Dungog; Thomas Tebbutt, of Windsor; Samuel Moore, of Moore Bank, Liverpool; Charles Tompson, of Clydesdale.

*Report of the Committee* The Committee reported on 27 September 1844. The Report was considered by the Council on 8 October 1844/70 and again on 11 October 1844/73. The Committee said in its report that it had considered (1) “The propriety of extending the Elective Franchise to leaseholders of land”; (2) “The proposed extension of the Franchise to squatters, or persons licensed to depasture sheep and cattle on crown lands”; and (3) “The representation of Sydney and of the Colony generally”. In respect of the first of these, extension to leaseholders which had been mooted by the Secretary of State for the Colonies in his Letter of Instructions in connection with the New South Wales Act of 1842, the Committee was wholeheartedly in favour. The Committee also considered that extension to squatters with no fewer than two hundred head of cattle or one thousand sheep was desirable. As to the representation of Sydney (thought to be under-represented) and other places, the Committee said that although it took “for granted that the system of representation provided for the Colony...is based neither on property, nor on population, exclusively, but on an equitable and judicious combination of both...however,, the actual representation of the Colony presents several very strange anomalies”. As an example, the electoral districts of the City of Sydney, the Town of Melbourne, and the Counties of Cumberland, Camden, Northumberland, and Durham “contain nearly three-fifths of the whole population of the Colony, and more than two-thirds of its entire constituency...but return only eight of the twenty four elective members of Council...But...containing...one-fifth of the entire population of the Colony, the City of Sydney has only one-twelfth of its actual representation”. Sydney returned only two members and the rest returned sixteen. The Committee therefore made recommendations for increases in the number of members returned in all these instances. When the Council came to consider the Report, on the motion of Dr Lang it resolved after some amendments “That it is the opinion of this council, that the elective Franchise ought to be extended to all Leaseholders of Land, paying not less than £20 of annual value, and holding Leases of five years or upwards, on condition of actual residence thereon, for a period of at least six months previously to the last registration of Electors in the District”. A further motion of Dr Lang to the effect that the franchise should be extended to squatters was narrowly defeated (Ayes 11, Noes 12). The proposals for increasing the number of Members in various places were deferred until the next Session. The resolution of the Council on leaseholders was referred to the Governor on 11 October 1844/73. The Governor replied on 27 November 1844/74 that he would transmit the resolution to the Secretary of State for the Colonies.

## **1844/15 COMMITTEE ON THE CIRCULAR QUAY WHARFAGE BILL**

*Note* The volume of the Reports of the Select Committees for 1844 in the National Library of Australia which was used for the present work has the Report of this Committee in the proof version and omits the Minutes of Evidence. It is not known whether other sets in other libraries have similar omissions, but the microfilm copy (mainly from the Mitchell Library, State Library of New South Wales) does include the Minutes of Evidence and some other supporting documents.

*Background* On 5 June 1844/15 the Governor sent a Message to the Council “proposing...an *Act to authorise the levy of a Rate per diem, on vessels making use of the Circular Quay in Sydney, or other public Wharfs [sic] in the Colony*”. This proposal was considered by the Council on 14 June 1844/14 as *A Bill to make further provision for payment of Wharfage Rates;*

the Bill had its second reading on 19 June 1844/15, and was referred to a Select Committee.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); John Coghill; Francis Lord; John Panton; Joseph Phelps Robinson; Thomas Walker.

*Witnesses examined by the Committee [from the microfilm - see Note above]* Michael Metcalfe (a Customs House agent); Adam Wilson (proprietor of a bonded warehouse and of a sufferance wharf); William Currie Botts (proprietor of a sufferance wharf); John Campbell (of Campbell's Wharf); John Bramwell (Tide Surveyor in the Customs House); Mortimer W Lewis (Colonial Architect); Merion Moriarty (Port Master of New South Wales); William Charles Wentworth (property owner claiming to be adversely affected by the new Circular Quay); Thomas Jeffrey (Landing Surveyor).

*Report of the Committee* The Committee reported on 4 October 1844/69 and the Report was printed (but see the note above). The Committee reported as follows: (1) Circular Quay. The portion of the Quay already completed, about 800 feet, could accommodate seven vessels broadside on and about fourteen bow or stern on. This was close to the private properties in Macquarie Place, but if the wharf was continued on to the Queen's Wharf "this will be calculated to effect so great an increase in its value that it is not anticipated that any insuperable objections will be raised by the individuals interested". A possible alternative, not recommended, was to extend the wharf in the other direction. (2) Expense of forming the Quay. The Committee had an estimate from the Colonial Architect of £4,500 with prison labour or £12,000 with free labour. (3) Charges for Use of Quay etc. "Your Committee...now propose to give the result of their enquiries as to the charges which may fairly be made upon individuals...they have had to consider the effect which would be produced upon the interest of private individuals, who, having obtained the privilege of a sufferance for their private wharves, have expended considerable sums in the improvement of them." (4) Charges on Goods Laden. "The charge on loading goods from public wharves, and on vessels lying alongside the same, for the purpose of taking in cargo, is one which has not hitherto been made, but your committee do not consider that any valid objection in principle can be offered to its exaction, seeing that it had been customary to make such a charge at the private sufferance wharves, and that a considerable accommodation will be afforded to the owners of goods and the...vessels employed, by the use of the quay...which has been made at a considerable expense to the public." (5) Queen's Wharf, Melbourne. A request from the Town Council of Melbourne that it receive all the wharfage dues, to be employed for the improvement of the Queen's Wharf and the navigation of the River Yarra was, in the view of the Committee, to be resisted "as it has never been contemplated that the similar revenues in Sydney be handed over to the Corporation of Sydney". (6) How funds are to be raised for formation of Quay. In 1836-1837 it had been expected that the cost of the Quay would be defrayed by the sale of some of the land in the Inner Domain, but no sales had yet taken place, "but your Committee think, that as the New Custom House is so far advanced, and the quay completed to so considerable an extent, allotments of land in that neighbourhood might, at an early period, be offered for sale, with a reasonable prospect, even in these times, of their fetching their real value; and in the present state of the Colonial Revenue it seems more desirable to take advantage of this means of obtaining the necessary funds for prosecuting this work, in order that it may interfere as little as possible with the undertaking of other works of public utility, so much required in other parts of the Colony". (7) Regulation of port

charges generally. The Committee believed that when possible port charges should be reduced. “Your Committee are by no means prepared, in the present state of the finances of the Colony, to recommend a total remission of these charges; but they conceive that, whenever the improved state of the revenue will permit, it is worthy of consideration, whether, by greatly reducing these charges or entirely remitting them...the indirect advantages would not fully compensate the loss of revenue which would thus be experienced”. In the meantime, some concessions in relation to pilotage and other port charges should be implemented. The Circular Quay Wharfage Bill had its second reading on 3 December 1844/76 and was further considered by the Council in committee on 13 December 1844/83. Some amendments were proposed and it was resolved that Counsel be heard at the Bar of the House on the amendments on 16 December 1844/84. Having heard Counsel, the Council in Committee resumed its considerations on 18 December 1844/86. The Bill was *passed* with amendments on 20 December 1844/88.

### 1844/17 COMMITTEE ON GENERAL GRIEVANCES

*Background* The “new” partly elected Council of 1843 and its successors seemed to feel that it had a mission to right many perceived wrongs, perhaps particularly those of the Executive Government: one such resulted in the appointment of the Committee on Crown Land Grievances for which *see above* 1844/7. On 21 June 1844/17 the Council, on the motion of William Charles Wentworth, appointed a Select Committee “to enquire into and report upon all grievances not connected with the Lands of the Territory; and...to distinguish between those grievances which can be redressed in the Colony, and those which cannot”. On 30 August 1844/49, on the motion of Joseph Robinson, the specific question of the expenditure on police and gaols was referred to this same Committee.

*Members of the Committee* William Charles Wentworth; John Dunmore Lang; William Bradley; William Dumaresq; William Lawson; Francis Lord; Thomas Livingston Mitchell; Richard Windeyer; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* Alexander Berry; Thomas Ryan (Superintendent of Hyde Park Barracks); William Ogilvie, Jnr; William Rutledge (of Parramatta); William Henry Moore (solicitor and former acting Attorney General); James Norton (solicitor); George Macleay (settler); Frederick Wright Unwin (solicitor); Campbell Drummond Riddell (Colonial Treasurer); George Allan (Alderman); Edward Deas Thomson (Colonial Secretary); Joseph Phelps Robinson (Member of the Legislative Council for Melbourne).

*Report of the Committee* The Committee reported on 6 December 1844/79. The Report was printed, and was considered by the Council on 19 December 1844/87. According to the Committee, the most serious grievance related to the ‘imposition’ of specified minimum salaries for officers on the Civil List (The Governor, the Judges, the Colonial Secretary, etc) in the Schedules to the Imperial Act 5 & 6 Vic ch 76, on the grounds that they involved “a fundamental violation of the ancient and undoubted right of appropriation, which is an inseparable incident to the right of taxation...the practice of the constitution has long settled beyond all question, that no tax or aid can either originate from, or be lawfully appropriated by, any other than the representatives of the people”. The Committee believed that the Home Government should be petitioned for repeal of those sections of the Act. The other grievances considered were (a) The

proposed District Councils, where witnesses gave their opinion that the sums of money required to carry out the duties and responsibilities of the District Councils were incapable of being raised by the inhabitants of the Districts. (b) “The total absence of responsible government...the perfect indifference, if not contempt, with which the most important decisions and resolutions of your Honorable House have been treated by the head of the government [i.e., the Governor] during the course of this Session.” (c) The Police and Gaols. Before 1835 the whole costs had been borne by the Military Chest, but they were now a charge on the Colonial Treasury, partly because the convicts were widely dispersed across the Colony “so as to afford the colonists the benefit of their labour”. (d) Want of legal remedy against the Crown. There was no “legal means of enforcing the payment of debts, or any other legal or equitable claims against the Local Government”. (e) Independence of the Judges ought to be without doubt. On 19 December 1844/87, “after a long Debate” the Council resolved as follows: (1) “That this Council having taken into account the report of the Select Committee...adopts, generally, the opinions contained therein”. (2) “That in the opinion of this Council, the Schedules annexed to 5 and 6 Vic 76 should be repealed, and the whole of the general Revenue placed at the appropriation of the Governor and Legislative Council”. (3) “That, in the opinion of this Council, so much of the same Act, 5 and 6 Vic c 76 as related to the establishment of District Councils, should be repealed”. (4) “That, in the opinion of this Council, the Police, Gaol, and Judicial Expenditure of the Colony, should be adjusted on the terms prayed for in the Address to Her Majesty and the Petitions to both Houses of Parliament, prepared by the Select Committee appointed by this Council to enquire into and report upon all grievances not connected with the lands of the Territory”. This address was approved the same day by the Council and is printed in full in the record of proceedings. (5) “That it is the opinion of this Council, [that] an humble Address be presented to Her Majesty, beseeching Her Majesty to direct that the Government of this Colony be henceforth conducted on the same principle of responsibility, as to Legislative control, which has been conceded in the United Canadas; and to sanction the establishment by law, within this Colony, of a tribunal for impeachments”. (6) “That, in the opinion of this Council, an Act should be introduced, to enable persons having claims of any description against the Crown or local Government, to sue the Colonial Treasurer, or some other public Officer, to be appointed for that purpose by the Governor, as nominal defendant...” (7) “That it is the opinion of this Council, that an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to place the Judges of the Supreme Court in the same tenure of office, and security of salary, as have been granted to the Judges in England”. The Address to the Queen was adopted by the Council on 23 December 1844/90 and is printed in full in the record of the day's proceedings. On the same day the Council requested the Governor to transmit a copy of the Report of the Committee to the Secretary of State for the Colonies.

## 1844/17            COMMITTEE ON EDUCATION

*See also 1848/1, 1854/28*

*Background* In the first years of the Colony, the education of children was given either in church schools, or by private tuition: there was no provision for general education at the public expense. However, on 5 July 1836/7 the Governor (*Sir Richard Bourke*) in presenting Supplementary Estimates had proposed a sum of £3,000 towards “the formation of National schools...to be maintained wholly at the Public Expense”: Bourke

was clearly influenced by the Irish National School system. There was considerable opposition from the several denominations and the matter lapsed. The next Governor, Gipps, raised the issue on 11 June 1839/8 in his Address to the Council, in which he foreshadowed arrangements for schools under the immediate control of the Government, or a Board of Education to be established on the principle of the British and Foreign School Society; existing or future schools established by religious communities would continue to be funded by Government by amounts equal to those raised privately. A sum of money for schools was accordingly placed on the Estimates of Expenditure for 1840 (23 July 1839/15). Petitions received by the Council on 20 August 1839/22 prayed “that no diminution may take place in the sum granted annually towards the support of Schools in connexion [*sic*] with the Church of England, but rather...that sufficient provision may be made for the due education of all the Children of that Church, as well as for the instruction of persons in the Art of teaching, who may thus be qualified to fill the Offices of Masters and Mistresses in the Schools”. Other Petitions followed, and on 23 August 1839 Governor Gipps tabled “a Draft of the following resolutions on the subject of Education”. He proposed “to take the sense of the Council” on these on the next sitting day (27 August 1839/26). The proposals were: (1) “All classes of the Community are entitled to equal assistance from the Public Revenue...[for] schools”; (2) “...Owing to the extreme dispersion of the population, a system of education to be effectual should be as comprehensive as possible.” (3) “A system of education...shall, at least, comprehend all classes of Protestants”. (4) “...if the Public schools of the Colony be established upon principles essentially Protestant, some corresponding advantages ought to be secured for the Schools of Roman Catholics”. On the following sitting day, 27 August 1839/26, the Colonial Secretary moved the Order of the Day for the further consideration of the Estimates of Expenditure, commencing with the Estimate for School Establishments. He said Governor had said that before proceeding to the consideration of that Estimate, he would previously request the opinion of the Council, upon the Resolutions of which he had laid a Draft upon the table at their last Meeting; he read the first proposed Resolution. After a very long debate His Excellency withdrew all the proposed Resolutions. There the matter rested until 6 July 1841/7 when the Governor “read a Minute on the Expenditure for Education, and laid upon the table (1) A copy of his...Despatch no. 168 to the...Marquis of Normanby (by then Secretary of State for the Colonies), dated 9 December 1839...stating his view “that the only way in which...Education could be extensively advanced in this Colony, would be by having Government Schools, conducted on principles which should not exclude from them any persons whatsoever on account of their Religious tenets; and that these should be the only Schools, with the exception of those for Orphans, which should receive support from the Government”. (2) A Despatch in reply from...Lord John Russell, No. 85 dated 25 June 1840, recommended that “efforts should be made to obtain mild and tolerant exceptions to existing rules of the founders of Schools, rather than to require of them a general admission of all sects and denominations; and that the aid granted by the government to all existing schools but those for Orphans should be gradually reduced; and that efforts should be made to place all such Schools upon the footing of being supported by local rates and voluntary contributions; and advising the establishment of a System of Inspection to which all Schools receiving Public Aid should be subjected”. The Governor observed that while before 1836, the Government had paid teachers' salaries and provided the school buildings, after that date in “what is familiarly called the half and half principle, the meaning of which is, that the Government pays towards the support of each School, a Sum equal to that which is raised for it by the Contributions of Individuals...The evident intention of the half and half System was, by calling in the aid of private contributions, to make the Schools less expensive to

Government than the older established ones; they have, on the contrary, proved to be more expensive...The half and half Schools are in great part attended by Children of a superior class to that for which they were intended, and...to the Parents of such Children, a higher charge is made than to the Parents of poor Children; this is not of course unreasonable in itself, but as the Government pays half the expences [sic] of each School, it has the effect of making the government pay more for the Education of the children belonging to Parents in easy circumstances, than it does for the Children of the Poor". The Governor went on to say that "It is not my intention...to bring forward any new proposal for a general System of Education: so long as a large portion of the Protestant part of the Community remains opposed to a comprehensive System, such a System could only be rendered efficient by being made an administration of the Government...It appears...that all the Government can at present attempt is to check the abuses [of]...the half and half System...and to equalize, as far as possible, the Assistance given to different Schools, by fixing a maximum per head per diem beyond which no aid shall be given". By 1843, when the Council was for the first time partly elected, it became generally known that Governor Gipps was about to move further on the question of public education for all; further Petitions against the Governor's proposals were received by the Council on 9 October 1843/39 and 11 October 1843/41. One of these, from clergy and laymen of the Church of England prayed "that the Council will not sanction the Educational Resolutions about to be brought under their consideration". Another prayed "that the enactment of any system of general Education may be postponed, until the country shall have time to express its sense of the measure". A proposed Bill to extend certain powers of District Councils, in respect to the establishment of Schools, to the Corporations of the City of Sydney, and the Town of Melbourne, respectively introduced on 9 November 1843(2)/59 was postponed at its second reading by the delaying tactic of resolving that it "be read this day six months hence", by which time the House would have risen and the Bill would have therefore lapsed. However, on 21 June 1844/17, on the motion of Mr Robert Lowe, the Council appointed a Committee "to enquire into, and report upon the state of education in this Colony, and to devise the means of placing the education of youth upon a basis suited to the wants and wishes of the community".

*Members of the Committee* Robert Lowe; Charles Cowper; John Dunmore Lang; Thomas Livingston Mitchell; Charles Nicholson; Joseph Phelps Robinson; Roger Therry; Richard Windeyer; The Attorney General (John Hubert Plunkett); The Colonial Secretary (Edward Deas Thomson).

*Witnesses examined by the Committee* James Robert Wilshire; George Allen; Ralph Mansfield; Henry Macdermott; William Augustine Duncan; James Fullerton; Robert Allwood; Edward M'Roberts; John Bede Polding; William Timothy Cape; Peter Steel; James Cosgrove; Bartholomew Peter Scannell; John Hunter Baillie; William Grant Broughton; John Saunders; Robert Ross; Peter Robertson; John M'Kenny; Charles Kemp; William Macarthur.

*Report of the Committee* The Committee reported on 28 August 1844/47 and the Report was set down for consideration on 10 September 1844/54; it was printed. However, on that day a number of Petitions were received, of which 50 opposed the system of education as recommended by the Committee, with only 24 in favour. The Committee drew attention to the high cost of educating children, about £1 per head, and attributed this largely to "the strictly denominational character of the public schools...the very essence of a denominational system is to leave the majority uneducated, in order to

imbue the minority with peculiar tenets...wherever one school is founded, two or three others will arise, not because they are wanted, but because it is feared that proselytes will be made". The Committee recommended that one uniform system should be established for the whole of the Colony, "and that an adherence to that system should be made the indispensable condition under which alone public aid will be granted". It had examined the merits of the two rival systems, the British and Foreign School Society system which had originally been favoured by Governor Gipps, and "Lord Stanley's system of National Education [of 1828], the only plan sufficiently comprehensive to include both Protestant and Catholic" and which would, in the words of the House of Commons Committee "afford, if possible, a combined literary, and a separate religious Education, and should be capable of being so far adapted to the views of different religious persuasions, as to render it in truth a system of National Education for the lower classes of the community". The Committee was at some pains to point out that religious instruction would not be neglected: "It teaches in the ordinary school hours as much of the truths of religion as can be imparted without entering on controverted subjects, and it offers every facility and encouragement in its power to induce the teachers of the different denominations to fill up the outline, by communicating to the children those peculiar doctrines which the nature of a general system forbids it to teach". The Committee believed "that a Board should be appointed by the Governor, of persons favourable to the plan proposed, and possessing the confidence of the different denominations". In addition it proposed a Normal or Model School in Sydney for the training of schoolmasters. The Church of England, Roman Catholic and Wesleyan Methodists opposed the plan, but most other denominations, including the Presbyterians, Baptists, and Independents, supported it. On 10 October 1844/72 the Council resolved (but only by 13 votes to 12) to adopt Lord Stanley's National System combined with aid to denominational schools. However, Governor Gipps took no action to implement this: many of the clergy were opposed, and in any case the 1842 Constitution Act had delegated education to the District Councils. On 17 December 1844/85 the Council requested the Governor to place a sum of £2,000 on the Estimates for 1845, to allow the implementation of the General System of education, but again Gipps declined to do so on financial grounds. He said "When the original 1845 Estimates had been before the Council, the estimated excess of Income over Expenditure had been £3,404, but "new items were...introduced into the Estimates...and...the anticipated surplus was turned into a deficiency. When I, however, in August last, acceded to the wishes of the Council, I guarded myself by limiting to £7,000 [which would have included the subsidies to the denominational schools] the sum which I proposed should be expended on Schools; and I have subsequently explained to the Council the reasons why I cannot but doubt, whether any alterations in respect to our Schools can at present be advantageously introduced. I feel it necessary to remind the Council, that a measure was adopted in the year 1836, very similar to that which is now proposed; but that it failed to be productive of any good". It was not until August 1847 that the new Governor, Charles Augustus Fitzroy, provided funds for a compromise system of national (or state) schools, under a Board of National Education, with continuing financial support to the denominational schools (Church of England, Roman Catholic, Presbyterian, Methodist) under the Denominational Schools Board.

## **1844/21 COMMITTEE ON PRIVILEGES OF THE COUNCIL**

*Background* On 3 July 1844/21 "Mr Lowe having informed the House, that a Breach of Privilege had been committed by a party having sent him a hostile message, in

consequence of his name having been made use of by Mr Lowe in the course of debate in this House...it was thereupon moved...that a Select Committee be appointed to determine what steps should be taken in the matter by the House". The individuals who were alleged to have committed the Breach of Privilege were Dr Macfarlane, Captain Moore, and Mr H Macdermott.

*Members of the Committee* Richard Windeyer; The Colonial Treasurer (Campbell Drummond Riddell); William Foster; Edward Hamilton; Charles Nicholson; Roger Therry; William Charles Wentworth; The Attorney General (John Hubert Plunkett); The Colonial Secretary (Edward Deas Thomason); Adolphus William Young.

*Report of the Committee* The Committee reported on 12 July 1844/26 and the Report was considered on 18 July 1844/27 by the Council sitting in Committee and again on 19 July 1844/28. The Report was printed.. The Council resolved that the Attorney General be requested to apply to the Supreme Court for leave to file a criminal information against Macdermott, Moore and Macfarlane; it was reported on 24 July 1844/29 that this had been done, and again on 25 July 1844/30 that all necessary steps for the prosecution would be carried into effect.

**1844/35 COMMITTEE ON THE MARRIAGES, BIRTHS AND DEATHS  
REGISTRATION BILL AND ON THE MARRIAGE  
REGULATION BILL**

*See also* 1843(2)/31

*Background* On 20 December 1843(2)/82 the Council had passed the Registry Act which provided for registration of the Acts of Council, and of deeds, charters and memorials relating to public companies and to property and land, of wills, and of certificates of marriages, births and deaths. Legislation relating to the registration of marriages, baptisms and burials dated back to the original Marriage Act of 16 August 1825/41, and a Bill to prevent Clandestine Marriages, and to provide for the issuing of Licences had been passed on 5 August 1836/18. On 7 August 1844/35 two Bills were introduced into the Council: *A Bill for regulating Marriages in New South Wales and its Dependencies* and *A Bill for Registering Marriages, Births, and Deaths, in the Colony of New South Wales and its Dependencies*. Both Bills were referred to a Committee.

*Members of the Committee* Charles Cowper; Robert Lowe; John Bayley Darvall; John Dunmore Lang; Joseph Phelps Robinson; William Dumaresq; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* William Carter (Registrar General); *Revd* John M'Enroe.

*Report of the Committee* The Committee reported on 1 October 1844/66 and the Report was printed. The drafts of the two Bills have not been seen, but the Committee was of the opinion "that those Bills cannot, either in their present shape, or with any amendments which they could suggest, be passed into laws likely to act beneficially or to give satisfaction...a consolidation and amendment of the existing law would answer every necessary purpose". From the evidence of the Registrar General it was apparent that the forwarding of certificates of registration from the clergy was unsatisfactory (some were sent on slips of paper no more than one inch wide); and sometimes widely

disregarded (for instance, Roman Catholic clergymen made no returns at all of baptism or burials from 1834 to 1839). The Committee recommended (as had been suggested by the Registrar General) that the clergy be supplied with standardized printed forms, and that the arrears from 1839 should be brought up to date. In respect of the other Bill, the Committee felt that “the amendment of the law in regard to marriage...is mainly rendered necessary with the view of preventing clandestine marriages...it will not be necessary to authorise the performing of the marriage ceremony by laymen. They do not conceive such a proceeding desirable under any circumstances, and in this Colony where the greatest latitude is allowed to ministers of every religious persuasion, they consider it would be highly objectionable. To prevent the performance of clandestine marriages will require the passing of a law, which should be drawn with great care, and be well considered before it finally be enacted”. The Act to prevent Clandestine Marriages of 5 August 1836/18, as modified by the *Act to authorise the Marriage of Minors, without the consent of Parents of Guardians, in certain cases* of 29 August 1838/33 was still in force, and the intent of the proposed new Bill for regulating Marriages [not seen] is unclear. The Committee was of the opinion “that such a measure should not be introduced at this late period of the session, and they have accordingly have resolved to recommend that the consideration of both the marriage and registration Bills, should be deferred...if the Executive Government give to the Registrar General the directions suggested by them, and authorize that gentleman to supply the ministers of the various religious persuasions with printed forms of certificates for registration, that Act now in force will be complied with, and that the Council will then be able to judge, with greater accuracy, what further provision may be necessary to ensure the correct registration of marriages, births, and burials within the Colony”. Since there is no further reference to either Bill in the Votes and Proceedings for the remainder of 1844, it may be presumed that the Council took due note of the advice of its Committee.

#### 1844/39      **COMMITTEE ON CORN EXPORTED TO THE UNITED KINGDOM**

[Report as printed entitled *Report on the Council's Corn Petitions*]

*Background* Access to the Home (United Kingdom) market was of great concern to exporters from the Colony. On 14 August 1844/39 Robert Lowe moved “that a Select Committee be appointed to prepare Petitions to Her Majesty, and both Houses of Parliament, praying that they will be pleased to admit into the United Kingdom, corn and flour, the produce of the Australian Colonies, on the same terms as Canadian corn”.

*Members of the Committee* Robert Lowe; Charles Nicholson; William Charles Wentworth; Thomas Walker; Charles Cowper; The Collector of Customs (John George Nathaniel Gibbes).

*Report of the Committee* The Committee reported on 21 August 1844/43 with a draft of a Petition to the House of Commons and the House of Lords, and the Report was considered by the Council in Committee on 27 August 1844/46. The Petition pointed out that the Provinces of Canada had been granted the privilege of importing wheat and flour into the United Kingdom at a nominal duty, and if this Home market were available to New South Wales wheat growers, the small Colonial market could be sufficiently expanded to meet local needs. “Your Petitioners have been taught to believe that it was the policy of your Honorable House to treat the Colonies as integral parts of the Empire;

and that this policy can never be carried out, so long as commercial restrictions are allowed to erect a barrier between one part of the Empire and another.” The Colony of New South Wales “has hitherto imported corn for its own consumption, not so much from any insuperable obstacle to agriculture presented by its soil and climate, as from the very limited market in which its produce could be disposed of...The farmer...who was naturally more anxious to avoid over-stocking his market than to provide against a scarcity...being seldom in a condition to provide the consumer with grain, in case of failure of crops, from drought or other cause...the Colony has frequently been in danger of famine, while possessing millions of acres of fertile land; and...it has thus been driven into a one-sided commerce with South America...the encouragement of agriculture, so far from proving injurious to the flockmasters, would tend to their advantage, by making food abundant and steady in price...The longest and stormiest sea passage in the world...and the high rate at which labor must always be paid for in a Colony, constitute more than adequate protection to the British agriculturalist against the competition of Australia...” The Council approved the Petitions and requested arrangements be made for their presentation to the Houses of Parliament.

## **1844/42 COMMITTEE ON DISTRESSED LABORERS**

*Background* By mid-1844 the financial depression was still unrelieved. At the commencement of the 1844 Session on 28 May 1844 Governor Gipps had addressed the Council. He observed that during the recess nearly 2,500 new immigrants, carefully selected in the United Kingdom, had arrived and for the most part had found work; but there were still large numbers of mechanics out of employment who had been longer in the Colony (being generally, those who did not wish to accept employment as shepherds in the remote interior). The Governor told the Council that “I shall be happy to concur with you in any measures which you may think expedient, for the relief of this latter class of persons”. On 20 August 1844/42 the Colonial Treasurer (Campbell Drummond Riddell) moved the appointment of a Committee “to enquire into the state of distress, alleged to exist among certain agricultural and other laborers and mechanics with families, and to suggest the means of affording them such relief as may appear requisite”.

*Members of the Committee* The Colonial Treasurer (Campbell Drummond Riddell); Charles Cowper; William Charles Wentworth; Joseph Phelps Robinson; Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); John Dunmore Lang.

*Witnesses examined by the Committee* Caroline Chisholm; Francis Lewis Shaw Merewether; Mortimer William Lewis; William Moir; John Coghill; *Revd* W H Walsh; Thomas Livingston Mitchell.

*Report of the Committee* The Committee reported on 19 September 1844/60 and the Report was considered by the Council on 2 October 1844/67. The Report was printed in the Reports. The Committee reported “that, to a considerable extent, distress does exist in Sydney...particularly amongst the class of mechanics, arising from want of employment. This appears to be aggravated by numbers, who do not properly belong to the town, flocking in from all parts of the interior, and thus glutting the labor market of Sydney, which was previously overstocked....there is a great, and most unreasonable disinclination, on the part of even the most distressed, to leave the precincts of the town...amongst those who are in the greatest distress...are, or have been, clerks in counting houses, or public departments [who] from the nature of their previous habits

seem generally unfitted from finding employment in the country. The absence of employment amongst such a class...can only be permanently relieved, by a restoration of the Colony to that degree of commercial activity which it formerly enjoyed". The Committee went on to observe that there did not appear to be "any public works of pressing emergency, required in this city" and that public funds would be better expended on the construction of bridges to improve access on the major roads in the interior, and in particular on the new road to the Illawarra. Following discussion of the Report on 2 October 1844/67 the Council resolved that (1) "...it is desirable that the laborers and artisans who cannot find employment in Sydney, should have inducements held out to them to work in the interior". (2) "That the best inducement...is the undertaking useful public works, on the great lines of road leading from Sydney throughout the Colony." (3) "That the probable effect...would be to eradicate the desire which at present exists of remaining in town..." (4) "That any sum of money...should be chiefly expended in the construction of public works...the most important appear to this Council to be, the bridge over Georges River, on the new line of road to Illawarra; that over Wallis's Creek at Maitland; that over the Macquarie at Bathurst; and that over Paddy's River, on the Great South Road".

#### **1844/43 COMMITTEE ON THE COLONIAL SPIRITS EXPORTATION BILL**

*Background* On 19 June 1844/15 Thomas Walker presented a Petition from Robert Cooper, a prominent Sydney distiller, with the signatures of 81 merchants and traders, presumably all involved in whole or part with the trade in spirits appended, "praying the enactment of a Law to authorize the exportation of Colonial Spirits on the like terms as Imported Spirits". On 26 July 1844/31 Walker introduced a *Bill to authorise and regulate the exportation, free of Duty, of Spirits distilled within the Colony of New South Wales*. The Bill had its second reading on 9 August 1844/37 and was set down for consideration by the Council in Committee on 16 August 1844/41, but on 15 August 1844/40 the Collector of Customs (John George Nathaniel Gibbes) presented a Petition "from certain Merchants, and others, in the City of Sydney, representing that they have perceived, with regret and alarm...[that the Bill] has been read a second time; and praying, that for reasons set forth in the Petition, the Council will not consent to the passing of a measure so fraught with danger to the Revenue of the Colony". The Council in Committee on 16 August 1844/41 did consider the Bill, but when it was again under consideration on 21 August 1844/43, on the motion of the Collector of Customs, the Bill was referred to a Committee.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes); The Attorney General (John Hubert Plunkett); Thomas Walker; Joseph Phelps Robinson; John Panton; Francis Lord; John Coghill.

*Witnesses examined by the Committee* John Johnson; Jeremiah Murphy; Michael Metcalfe.

*Report of the Committee* The Committee reported on 5 September 1844/52 and the Report was printed. The Committee reported "that nothing has been adduced by the parties opposed to it" and the Committee went to say "that no measures can be taken or devised, by which the crimes of smuggling and illicit distillation, now daily committed to so great an extent, will ever be materially diminished in this Colony (where the facilities for carrying on such demoralizing practices are so great), so long as the imposition of the

present high rates of duties on Spirits creates a temptation so irresistible". It does not appear from the record that the Council proceeded further with the Bill at that time. On 11 September/55 Mr Bowman presented "a Petition from certain landholders, farmers, and other Inhabitants to the District of Windsor, Richmond and Wilberforce, praying the abolition, or modification of the duties on spirits distilled from Colonial grain". On 25 September 1844/63, on the motion of Mr Walker, the Council in Committee resolved to read the Bill a third time and it was *passed* on 3 October 1844/68. However, the Bill was disallowed by the Governor on 10 October 1844/72 and his decision was conveyed in a Despatch to the Secretary of State, No 28 of 5 February 1845 in the following words: "This Bill, had it been allowed to pass into a Law, would greatly have facilitated smuggling; and the only person to derive any immediate benefit from it was a Distiller, who is known to have already practised extensive frauds on the Revenue, though he has as yet escaped conviction". (*HRA Series I vol. XXIV p 241*). It is a reasonable presumption that the Distiller was Robert Cooper.

#### **1844/45 COMMITTEE ON THE EXPENSE OF PUBLIC BUILDINGS**

*Background* The now partly elected Council continued to be mindful of the need to curb unnecessary expenditure. On 15 August 1844/40 Richard Windeyer presented a "Petition from certain operatives, and others, resident in Sydney, representing that large sums of money have been voted for, and expended on, the Public Works of the Colony, but that no corresponding benefit has been conferred on the Working Classes, or the Public, which leads them to believe that there must be something radically wrong, or unfair, in their management; and praying that such measures may be adopted, as will effect a thorough reformation in the Department of the Colonial Architect." On 23 August 1844/45 on the motion of Windeyer a Committee was appointed "to enquire into the expense of public buildings".

*Members of the Committee* Charles Nicholson; The Auditor General (William Lithgow); William Dumaresq; William Bland; Charles Cowper; Robert Lowe.\

*Witnesses examined by the Committee* There are no printed Minutes of Evidence with the Report of the Committee, but it did take note of the representations of Mr John Rae which had led to the appointment of the Committee; and engaged Mr James Hume, an architect, to value the estimated cost of the work on the new Custom House against that provided by the Colonial Architect (Mortimer William Lewis).

*Report of the Committee* The Committee reported on 11 December 1844/81 and the Report together with the Estimates and Valuations provided to it was printed.. It was considered by the Council on 13 December 1844/83 when Richard Windeyer moved that the Report and Evidence be referred to the Governor for the consideration of the Executive. The Committee was strongly critical of the manner in which the work on the Custom House and the adjacent wooden store had been carried out, but recommended that the evidence not be printed, "with a view to avoid giving currency to statements, many of which they consider groundless". The Custom House was being built by day labour, under the supervision of the Colonial Architect's Department, and the Committee saw this as the chief question to be investigated: "has [it], or has [it] not been attended with loss to the public... this system was adopted, as a method of affording employment to mechanics and other, fallen into a state of distress from the diminution of building throughout the Colony". The wages which were fixed were relatively high and "appear to

have attracted to, or retained in Sydney, a large number of men, who might otherwise have obtained employment in the country, although, on account of their want of ability or character, probably at much lower wages". The Committee observed that this employment "out of charity, and without reference to their industry, made them a body naturally difficult to control, or incite to labor. These circumstances, your Committee consider sufficient to account for the loss which has been sustained by the public, without impeaching, as has been sought by one of the Petitioners...the architectural skill of Mr Lewis; the result, however, has satisfied your Committee of the faultiness of the new system...In the course of their investigation, much evidence was brought before your Committee with a view to inculcate in a serious manner different officers connected with the Colonial Architect's Department", but the Committee concluded that "neither Mr Lewis [the Colonial Architect] or any of the officers immediately about him are justly open to imputation. However, to prevent the possibility of unjust suspicion in future...the Executive should adopt a rule in force in some of the public departments in England, by which no contractor or workman in the employ of the government, can in any way be employed by an officer of the government." However, the Committee thought that Mr Hanlon, the superintendent of carpenters, and Arbuckle, the joiner, who had both been the subject of charges, "raised a case deserving of further and graver enquiry": if this was undertaken, it would have been a matter for the Executive Government.

#### **1844/49 COMMITTEE ON THE COUNTRY COURT OF REQUESTS AMENDMENT v BILL**

*Background* On 1 August 1844/33 Francis Lord introduced *A Bill to extend to the Courts of Requests for the Districts of Bathurst, Maitland, and Berrima, certain provisions of an Act passed in the sixth year of the reign of Her present Majesty Queen Victoria, intituled 'An Act to consolidate and amend the Law relating to Courts of Requests, and to extend the jurisdiction of such Courts in the County of Cumberland', and to authorise the Governor to appoint the Chairman of Quarter Sessions Commissioner of the Courts of Requests for the said Districts.* The Notice Paper for 1 August shows that Lord wished "to extend the £30 jurisdiction of the Court of Requests to Bathurst, Maitland and Berrima". (A Court of Request was essentially a Civil Court where debts or damages, originally not exceeding £10 but later £30, could be recovered.) The Bill had its second reading on 30 August 1844/49 and was referred to a Committee.

*Members of the Committee* Richard Windeyer; Francis Lord; The Attorney General (John Hubert Plunkett); John Bayley Darvall; John Panton; Joseph Phelps Robinson.

*Witnesses examined by the Committee* John Dillon; B C Rodd; Charles Bethel Lyons; John Ryan Brenan; Roger Therry

*Report of the Committee* The Committee reported on 18 December 1844/86 and the Report and Minutes of Evidence were printed. The Committee said that "The Bill referred to the Committee was founded upon the existing practice which appeared to ensure the election of a Magistrate, bred to the profession of the law, as Chairman; but the correspondence between His Excellency and their Honors appears to place that appointment in a position of too much doubt, to justify the assumption of a continuance of the existing state of things, as a basis of legislation. The Committee have therefore thought it desirable to recommend, that the further consideration of this measure be postponed till

the next Session of the Council". On this basis the Bill was allowed to lapse, and the Committee was re-appointed on 5 August 1845/4 to consider the Bill further.

**1844/53 COMMITTEE TO PREPARE AN ADDRESS TO THE QUEEN ON THE GOVERNOR'S DESPATCHES TO THE SECRETARY OF STATE ON COMPENSATION FOR OFFICERS AND ON POLICE AND GAOLS**

*See also* 1844/56

On 16 August 1844/41 the Colonial Secretary tabled extracts from Despatch No 175 to the Secretary of State from Governor Gipps and the reply thereto, and from Despatch No. 176 from the Governor to the Secretary of State and the reply thereto. The first of these arose from the continuing dispute between the Council and the Governor as to whether the expense of maintaining convicts in the Colonial Gaols should be at the expense of the Revenue of the Colony, which the Home Government had decided on in 1834. The Council had resolved on 11 October 1843(2)/41 that it would not appropriate funds for this purpose. To this the Governor had replied that he had no funds available. The Council's response (on 27 October 1843(2)52) was that in its opinion the 47th clause of the *New South Wales Act* "distinctly exempts the Colonial Revenue from all expenses of the Police connected with the Convict Establishment, and implicitly sanctions their payment from the Military Chest". (The second Despatch related to the Council's intent to reduce the salaries of officers of the Judicial Establishment which had been guaranteed on appointment by the Crown: for this *see below* 1844/56.) The Secretary of State (Lord Stanley) in Despatch No. 47 of 29 March 1844 had specifically confirmed that the Governor's interpretation of his Instructions was correct and that under no circumstances would the British Treasury meet the cost of the Police and Gaols in respect of convicts; he also confirmed that the Council had neither right nor power to contravene the provisions of the *New South Wales Act* in respect of judicial salaries. The Council, when asked to vote the required supplementation for these salaries, declined to do so, and on 6 September 1844/53 resolved that the matters in the Despatches be referred to a Select Committee "with instructions to prepare an Address to Her Majesty, to remove any misapprehensions which may have been created in the mind of Her Majesty by those Despatches, relative to the proceedings of this Council".

*Members of the Committee* Charles Cowper; William Lawson; William Bradley; William Dumaresq; Francis Lord; Joseph Phelps Robinson; William Charles Wentworth; Richard Windeyer.

*Report of the Committee* The Committee reported on 9 October 1844/71 and the Report was printed. It was considered by the Council on 6 December 1844/79. After protracted discussion the Council adopted an Address to Her Majesty in which it noted that the expenditure on Police and Gaols proposed for 1845, £85,250, amounted to a rate of about 10s 4d per head of population for this purpose alone, while the expense for the for the whole Government of the Canadas did not exceed 7s per head. "The necessity of providing out of Colonial Funds so large an amount for the coercion and punishment of British criminals is justly deemed by the Colony...as one of its chief grievances." The Address set out seven heads attempting to point out what could not be done in consequence of this expenditure, including a desired low and uniform postage rate, and

the making and repair of roads and bridges. At the same time Petitions to both Houses of Parliament in the same vein were approved.

#### **1844/53 COMMITTEE ON GEELONG AS A FREE PORT**

*Background* On 6 September 1844/53 Charles Nicholson moved “That an Address be presented to Her Majesty, praying that...Geelong [might be declared] a ‘Free Warehousing Port’, or in the event of such a measure being deemed premature, do declare the same a ‘Port of Entry and Clearance’; and that a Select Committee be appointed to prepare such an Address”.

*Members of the Committee* Charles Nicholson; Joseph Phelps Robinson; Thomas Walker; Adolphus William Young; John Dunmore Lang; The Collector of Customs (John George Nathaniel Gibbes); John Panton.

*Report of the Committee* The Committee reported on 18 September 1844/59 and the Report was printed. It was considered by the Council on 25 September 1844/63. The Report, which supported the proposal on the grounds that the hinterland of Geelong “contains an area of nearly eight million acres...lands of great fertility, and possessing mineral, agricultural and pastoral resources of great capability...[and that] the Port of Geelong is the only natural outlet available for the shipment of produce” and which proposed a suggested form of Address, was forwarded to the Governor for transmission to the Secretary of State for the Colonies. However, Gipps had been advised that the establishment of Geelong either as a Free Port or as a Port of Entry and Clearance would result in considerable expense to the Colony without giving the supposed advantages and informed Lord Stanley accordingly (Despatch No 247 of 27 November 1844). Lord Stanley replied (in Despatch No 56 of 12 June 1845) that “Considering the...nature and small amount of the Trade carried on at Geelong, and especially adverting to the unfavourable opinion you have yourself expressed on the subject, I have been unable to advise Her Majesty to accede to the prayer of the Memorialists”.

#### **1844/56 COMMITTEE ON JUDICIAL EXPENDITURE FOR 1845**

*See also* 1844/53

*Background* A Schedule to the *New South Wales Act* 5 & 6 Vic Ch 76 prescribed the amounts provided by the Home Government for the administration of justice in the Colony; it was intended that these amounts should be supplemented from the Colonial Revenue. This of course was not new in 1844, but the new partly elected Council had declined to provide supplementation for 1845. The Governor informed the Council on 4 September 1844/51 that he would, in consultation with the Judges, take measures for limiting the expenditure on the administration of justice in 1845, with consequent reductions in the operation of the judicial system. On 12 September 1844/56 William Charles Wentworth moved that an Address be prepared to explain to Her Majesty the situation in exactly the same terms as in the Address previously proposed *for which see above* 1844/53 in respect of expenditure on Police, Gaols, and Compensation to Officers whose posts had been abolished. The Council resolved to appoint a Committee to prepare the Address.

*Members of the Committee* William Bland; The Commander of the Forces (Major General Sir Maurice Charles O'Connell); John Dunmore Lang; William Lawson; Joseph Phelps Robinson; Thomas Walker.

*Report of the Committee* The Committee reported on 4 October 1841/69 and the Report embodying the proposed Address was printed.. The record of the discussion and the Address as amended is long and complicated. The Council finally passed a series of resolutions, which in summary were: (1) The Council did not make an absolute and unqualified refusal to grant any sums of money for the administration of justice but rather had refused to grant them when “a sum asked for from this Council...[was] in gross, instead of detail”. (2) “The Casual revenue...arising chiefly from fines and penalties levied in Courts of Justice...affords an ample and suitable fund, out of which any supposed inadequacy...may be supplied”. (3) “The above Resolutions...will make it manifest to your Majesty, that all we affirmed...was that in the form in which schedule A and the required supplement thereto was then submitted to us, it was impossible, consistently with a due regard of our constitutional rights and duties, that we could enter upon any consideration of either of these Estimates”. The Address was to be presented to the Governor for transmission to the Queen, by the speaker, Wentworth, and William Bland. In his Despatch No. 176 of 28 October 1843 to the Secretary of State Gipps had reported that “these schedules were greatly objected to on the arrival in the Colony of the Act [The New South Wales Act] to which they are appended. During the Elections it was generally declared that the first efforts of the representatives of the People ought to be directed to get rid of them”. Gipps forwarded the Address in his Despatch No 259 of 21 December 1844 in which he pointed out that the Casual Revenue formed no part of the Revenue over which the Council had a right of appropriation. Lord Stanley's reply of 5 September 1845 confirmed this, and also directed Gipps “to signify to the Council Her Majesty's conviction that they will either make or withhold any addition of the sum appropriated by Parliament to the Administration of Justice, according as they shall think that the exigencies of that most important branch of the Public Service require it, or the reverse”.

## **1844/59 COMMITTEE ON CROWN LAND GRIEVANCES**

*See also* 1844/7

*Background* On 18 September 1844/59 Charles Cowper moved “That a Select Committee be appointed to prepare Petitions to Her Majesty and both Houses of Parliament...[for] an Act, repealing the Act of the Imperial Parliament 5 & 6 Vic ch 36, so far as regards New South Wales; and also so much of 5 & 6 Vic ch 76, as provides that no law made by the Council shall interfere in any manner with the sale or other appropriation of the lands belonging to the Crown within this Colony, or with the Revenue thence arising; and sanctioning that the management of the waste lands of the Crown and the appropriation of the revenue arising therefrom, shall be vested in the Governor and Legislative Council of the Colony”.

*Members of the Committee* Charles Cowper; Joseph Phelps Robinson; William Charles Wentworth; William Bradley; Charles Nicholson; Richard Windeyer; Francis Lord.

*Report of the Committee* The Committee reported on 13 December 1844/83 and the Report was printed.. The proposed Petitions to Her Majesty and both Houses of Parliament, and

an Address to the Governor asking that they be transmitted to the Secretary of State merely use the words of Mr Cowper's Petition without giving reasons for the requests. The Council gave its approval for this action on 17 December 1844/85.

### **1844/63 STANDING COMMITTEE TO CONDUCT CORRESPONDENCE WITH FRANCIS SCOTT, M.P.**

*Background* Resulting from the Report of the Committee on Crown Land Grievances (*for which see above* 1844/59) on whose recommendation the Council had resolved to petition Her Majesty and both Houses of Parliament for amending Acts, the Council, on 18 September 1844/59, had resolved to appoint The Hon. Francis Scott, M.P. for Roxburghshire in the House of Commons, to represent “its interests in the House of Commons and elsewhere in the Mother Country”. On 25 September 1844/63 the Council appointed a Standing Committee to conduct its correspondence with Mr Scott.

*Members of the Committee* The Hon. The Speaker (Alexander McLeay); Alexander Berry; William Bland; Charles Cowper; William Dumaresq; John Dunmore Lang; Hannibal Hawkins Macarthur; John Panton; Joseph Phelps Robinson; Thomas Walker; William Charles Wentworth; Richard Windeyer; Charles Nicholson; Benjamin Boyd (added to the Committee on 20 December 1844/88).

### **1844/73 COMMITTEE ON THE BANK OF AUSTRALIA SHARES BILL**

*Background* By the beginning of 1844 in the continuing “state of monetary confusion” or financial depression, a number of Banks in the Colony were in difficulties. In his Despatch No 131 of 19 August 1843 the Governor had advised the Secretary of State for the Colonies that in respect of the Bank of Australia, “the whole subscribed Capital is, I fear, lost; and it is even probable that the shareholders will be called upon for further contributions to make good the liabilities of the establishment”. The Bank, although set up under an 1833 Act of the Council (*An act to enable the proprietors...of the Bank of Australia to sue and be sued in the name of the Chairman...*) was not incorporated and every proprietor (or shareholder) could be held personally liable. It was the impending failure of the Bank, and of course the fears of the shareholders, which prompted the scheme which was the subject of this Select Committee. The Bank had ceased its operations in about March 1843, with unsatisfied liabilities of about £230,000. On 4 October 1844/69 William Charles Wentworth introduced *A Bill to enable the Bank of Australia to dispose of certain real and personal property, in the Colony of New South Wales, in certain shares by lot*. The Bank had “incurred debts and liabilities to a large amount” which it was unable to meet. It was “possessed of real and personal estates, and property to a considerable extent” which it was unable to dispose of “by the ordinary means of sale”. The Bank had up to two hundred proprietors, whose property was liable “to be taken in execution and sold to satisfy the whole of the liabilities and debts of the Bank” to their probable financial ruin. It was proposed to divide the real and personal property among the proprietors by lot, and thereby make it possible for the Bank to pay off its debts and liabilities and the Bill was intended to facilitate the disposition of the property by this means. Wentworth presented a number of petitions “praying that this Bill be passed into law” on 11 October 1844/73. The Bill had its second reading on the same day and was referred to a Committee “with instructions to examine into the allegations contained in its preamble”.

*Members of the Committee* William Charles Wentworth; John Coghill; John Bayley Darvall; William Foster; Charles Nicholson; The Attorney General (John Hubert Plunkett); Joseph Phelps Robinson; Richard Windeyer. (Randolph John Want, the solicitor for the Bank, examined many of the witnesses).

*Witnesses examined by the Committee* John Walker (Secretary and Cashier of the Bank); James Norton (former Chairman of the Bank); Samuel Lyons (auctioneer); Thomas Barker (a Director of the Commercial Bank); Lachlan Macalister (landowner); Severin Kanute Salting (merchant); Robert Archibald Alison Morehead (of a Loan Company); William Dawes (merchant and Director of the Bank of Australasia); Edward Knox (an official assignee appointed under the Insolvent Act); Hutchinson Bell (an official assignee); John Blackman (apparently a stock and station agent); Thomas Brown (merchant); Robert Lowe (barrister); David Jones (merchant); William Salmon Deloitte (merchant); Robert Mollyner Pite; Acton Sillitoe (merchant); Thomas Stubbs (valuer); Hastings Elwin; James Macarthur.

*Report of the Committee* The Committee reported on 11 December 1844/81 and the Report and Minutes of Evidence were printed. After examining 20 witnesses, the Committee reported that the lottery proposal was “the only adequate remedy they have been able to discover to a great public danger,---a danger which threatens nothing less than the disorganisation of society, by the confiscation of that property for whose protection it mainly exists”. A number of petitions from all parts of the Colony in support of the Bill were received. The Bill was *passed* on 23 December 1844/90 and appears to have met with general approbation. However, Governor Gipps, mindful of the opposition in Britain to lotteries of any kind, reserved the Bill for Her Majesty's pleasure, while stating in his Despatch No 1 of 1 January 1845 “that, much as I disapprove on general principles of Lotteries, I consider the settlement of the affairs of the Bank of Australia to be an object of such high importance to this Colony, that I should be happy to see it achieved by almost any means”. Lord Stanley replied in Despatch No 47 of 17 May 1845 “that public Lotteries are regarded with the highest disfavour by Parliament and by public opinion in this Country”; and for this reason as well as fear of creating a precedent for public Lotteries “the Queen cannot be advised to assent to this Bill”. However, according to T A Coghlan and T T Ewing, in *Progress of Australasia in the Century*, “No attempt was made to defend lotteries in general, but it was contended that if the goods of the proprietors of the bank were seized under executions, the Bailiff would be seen in possession of one house in ten in Sydney, and that the result would be a panic, which would annihilate the value of property. Under pressure of such an argument as this the Lottery Bill passed, but was disallowed by the British authorities. The necessity of the case was so urgent, however, that the lottery took place, and was successfully completed before the law officers of the Crown could interfere to prevent it. “Desperate diseases require desperate measures, and the lottery was, no doubt, in the main beneficial”. The actual draw took place on 1 January 1849, tickets having been sold in advance. The National Library of Australia holds three lottery tickets (in MS.1602 and MS.270).

## **1844/73 COMMITTEE ON A VACANT SEAT IN THE LEGISLATIVE COUNCIL**

*Background* On 10 October 1844/72 the Governor by Message requested the Council to decide “whether the seat in the Council lately vacated by Sir Thomas Mitchell [in August 1844] be still vacant, or whether it has been filled up by the election of Mr...Benjamin

Boyd". Mitchell had been elected to the Council at a by-election in Port Phillip in April 1844, but "Governor Gipps keenly felt the anomaly of a government officer [in Mitchell's case, the Surveyor General] sitting in the legislature and being free, and in Mitchell's case likely, to vote against government measures" Gipps ruled that "the member for Port Phillip may act as he pleases, but the Surveyor General of New South Wales must obey and support the Government": Mitchell had difficulty in separating his two roles and in August prudently resigned his seat." (*Australian Dictionary of Biography, vol 2 p 240*) On the motion of the Colonial Secretary the Governor's Message was referred to a Committee, to take evidence and report.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); John Bayley Darvall; William Foster; William Charles Wentworth; John Dunmore Lang; Charles Nicholson; Richard Windeyer.

*Report of the Committee* No Report was printed, nor is there any mention in the Votes and Proceedings of a verbal report. However, Benjamin Boyd "took his seat in the Council as an Elective Member for the Electoral District of Port Phillip" on 28 November 1844/75.

## Session of 1845

### 1845/4 COMMITTEE ON THE COUNTRY COURTS OF REQUESTS BILL

*Background* On 1 August 1844/33 *A Bill to extend to the Courts of Requests for [the country Districts]...certain provisions of...An Act to consolidate and amend the Law relating to Courts of Requests, and to extend the jurisdiction of such courts in the County of Cumberland, and to authorise the Governor to appoint the Chairman of Quarter Sessions Commissioner of the Courts of Requests for [the country Districts]* had been introduced. It had its second reading on 30 August 1844, and was referred to a Committee which reported on 18 December 1844/86. That Committee, for which see above 1844/49, had commented that the Bill relied “on the existing practice which appeared to ensure the election of a Magistrate...as Chairman” but had noted that correspondence between the Governor and the Judges of the Supreme Court had questioned the legality of the practice. The Bill was therefore allowed to lapse until the next (1845) Session to allow further consideration. On 5 August 1845/4 the same Committee was re-appointed.

*Members of the Committee* Richard Windeyer; Francis Lord; William Foster; The Attorney General (John Hubert Plunkett); John Bayley Darvall; John Panton; Joseph Phelps Robinson.

*Witnesses examined by the Committee* For the names of the witnesses who had given evidence to the Committee in 1844 *see above* 1844/33. No further witnesses were called in 1845.

*Report of the Committee* On 30 September 1845/34 Richard Windeyer as Chairman of the Committee requested in the Council that the Governor be asked for “a Return of the number of summonses issued from each of the Courts of Requests for the County of Cumberland, since the passing of the 6th Victoria, No. 15---distinguishing those issued under the £30 jurisdiction from those issued under the £10 jurisdiction---the number adjudicated upon, with the like distinction---and the number of sitting days of the Commissioner at each place”. This Return was tabled on 28 October 1845/50, ordered to be printed, and referred to the Committee. The Report of the Committee is dated 29 October 1845 and it was tabled on 30 October 1845/52, and ordered to be printed. The original Bill had “contemplated conferring on the Chairman of Quarter Sessions, an original civil jurisdiction in all actions for sums not exceeding thirty pounds, and your Committee were anxious to avail themselves of his presence in the Assize Towns, on his circuits, to give an appeal to him from the decisions of country Commissioners”. However, the Committee now pointed out ‘that no system of appeal, either to the Quarter Sessions, or to the Supreme Court, could be devised which would not, to a great extent, defeat the main object that the Courts of Requests [which were courts to allow the recovery of small debts] were intended to fulfill---a cheap and expeditious settlement of disputes...at or near the spot where they arose’. The Committee then observed that existing provisions in the Act 4 Vic. No 22 allowed that writs of Inquiry, or writs of Trial where the damages sought to be recovered were less than fifty pounds could by leave of a Judge of the Supreme Court be “directed to any Commissioner or to any Chairman of Quarter Sessions...in such manner as shall be most conducive to the advantage of suitors, and to the avoiding of expense and delay”. It appeared that this had not hitherto been done, perhaps because of “the want of the rules of Court referred to in the

Act...[and] of a scale of fees as would induce...having recourse to a writ of Trial, in preference to proceeding throughout in the Supreme Court”. The Rules of Court had recently been published, and the establishment of a scale of fees was expected. Disputes involving less than forty shillings should be dealt with by a single Magistrate, or if between forty shillings and ten pounds by two Magistrates, “at the usual place of meeting for Petty Sessions”. “If the parties should so consent in writing...either a single Magistrate, or the Petty Sessions...should have power to adjudicate in all disputes not involving a larger sum than thirty pounds. In all cases your Committee recommend that the decision of the Magistrates be final. Your Committee are of the opinion that the same system ought to be extended to the Country. In all cases your Committee recommend that the decision of the Magistrates be final. Your Committee are of the opinion that the same system ought to be extended to the County of Cumberland...” There were however so many more cases than in the country districts, and especially in Sydney, “that the present arrangements under which Magistrates sit at the Police Office in George Street, would not enable them to get through the additional civil business of this Bill; but seeing that the number of Magistrates resident in Sydney far exceeds the number found in any other part of the Colony...a proper distribution of the duty would occasion the share of each to be felt as no greater burthen, than it is to gentlemen residing in the rural districts. Such a distribution of duty would have the effect of saving the salary of one thousand pounds per annum of the Commissioner [of the Courts of Requests], a salary which your Committee consider enormous.” The savings might allow of the appointment of an additional Supreme Court Judge, to sit in Port Macquarie and Moreton Bay, districts at present almost beyond the pale of the law. The alterations and reforms, however, which would be requisite to bring the County of Cumberland within the operation of the Bill...should...originate with the Executive. There seems to have been no further formal consideration of the Report during the remainder of the 1845 Session, but the Chairman of the Committee, Richard Windeyer, on 22 May 1846/8, introduced *A Bill to amend the Law respecting the recovery of Small Debts, in all parts of the Colony, except the County of Cumberland.* The intended second reading did not take place in this first Session of 1846, but Mr Windeyer introduced a Bill with the same title on 10 September 1846/3. It was passed on 23 October 1846/28..and received Royal Assent.

#### **1845/5 COMMITTEE ON SCAB AND CATARRH IN SHEEP**

*Background* The first attempt to control the disease usually called “scab” in sheep was in 1832 when a Select Committee (for which see above 1832/29) examined a proposed *Bill for preventing the extension of the contagious disorder, commonly called the Scab or Mange in Sheep or Lambs.* This Committee was advised that the Bill would be “ruinously severe in its operation”. It did, however, recommend penalties for keeping or driving infected sheep upon land within the settled boundaries of the Colony, not being land owned or rented by the person responsible for the sheep. The Bill, suitably amended, was passed on 31 August 1832/53. This Act was made perpetual by an amending Bill passed on 28 October 1834/38. In 1835 it had become apparent that with the widespread depasturing of sheep on land “without the boundaries of location” an extension of the provisions of the 1832 Act which did apply there was necessary and an amending Bill was introduced which in turn was referred to a Committee (for which see above 1835/31). With some amendments this Act was *passed* on 9 October 1835/33. By 1838 the disease “catarrh” in sheep, described as being both different from and more serious than scab, had appeared. A Bill to extend the provisions of *An Act for preventing the extension of the infectious Disease commonly called the Scab in Sheep or Lambs, in the Colony of New South Wales, to the Disease*

*commonly called Catarrh or Influenza in Sheep and Lambs* was referred to a Committee which recommended some amendments. It was passed on 29 August 1838/20 with the short title of *Catarrh in Sheep prevention Act*, and was to remain in force for two years only. The Act was extended in 1840, 1842 and 1844 and was due to expire (unless extended) on 9 October 1846. It was in this context, then, that, Charles Nicholson proposed, “pursuant to notice”, on 6 August 1845/5, “That a Select Committee be appointed to enquire into, and report on the necessity of amending the Law relating to scab and Catarrh in Sheep”. A Committee was immediately appointed.

*Members of the Committee* Charles Nicholson; Charles Cowper; Edward Hamilton; William Henry Suttor; William Charles Wentworth; Thomas Icely; The Colonial Secretary (Edward Deas Thomson).

*Witnesses examined by the Committee* Captain Philip Parker King; William Bradley; Terence Aubrey Murray; Mathew Henry Marsh.

*Replies to a Circular Letter, addressed to Magistrates and other Gentlemen in the Interior* [The questions asked were, in summary: 1. Do you consider that the Scab Acts have been effective in preventing the spread of the disease? 2. Is the permission to move sheep in February each year necessary? Or is it injurious and ought to be repealed? 3. Are the penalties in the Act sufficient? 4. If you think the existing law requires modification, what do you propose? 5. Do you think the Catarrh Acts have been effectual in preventing the spread of the disease? 6. Are the penalties in the Acts sufficient? Or would you propose alterations to them? 7. If you propose any other modifications to the existing law, please state them.] Robert Johnstone Barton (of Boree Nyrang, Wellington); Nicholas Paget Bayly (of Parramatta); Edgar Beckham (Commissioner of Crown Lands for the Lachlan District, of Binalong); James Brindley Bettington (of Oatlands, Parramatta); E B Boulton (of Cardington); George Bowman (of Richmond); Alexander Busby (of Cassilis); Henry Dangar (of Neotsfield, Singleton); R H Deane (of Peel's River, Tamworth); G Everett of New England); Foster Fyans (Commissioner of Crown Lands for the Portland Bay District); Charles Hall (of Port Stephens); William Hamilton (of Seymour, near Melbourne); John Lambie (Commissioner of Crown Lands for the Maneroo by Queanbeyan District); John Learmonth (of Geelong, Port Phillip); Francis Murphy (of Jacqua, Bungonia); Henry O' Brien (of Yass); George Playne (of Campaspe Plains, near Melbourne, Port Phillip); John Savory Rodd (of Blacktown, Bathurst); Francis Nicholas Rossi of Rossiville, near Goulburn); Stephen Simpson (Commissioner of Crown Lands for Moreton Bay); Francis Taafe (of Mutterma, near Yass); James Walker (of Wallerawang, Hartley); The Belfast Bench; R Massie (Commissioner of Crown Lands, M'Leay River); George Russell (of Geelong, Port Phillip); J C Bates (of Geelong); M Pettett (of Bunningong, Geelong Phillip); William Macarthur of Camden); Francis M'Arthur (of Norwood, near Goulburn); James Manning (of Cassilis); George Macleay (of Brownlow Hill, Camden); G W Elms (of Geelong); A Johnston (of Mount Emu's Creek, Portland Bay); Alexander Irvine (of Pyrenees, Geelong); George D Mercer (of Weatherboard, near Geelong); Robert Sutherland (of Native Hut Creek, Bunnenyong, Portland Bay District); George Hope (of Geelong); John Norman M'Leod (of Borhoneyghurh, Geelong).

*Report of the Committee* The Report was tabled on 30 September 1845/34 and was ordered to be printed. The Committee was unanimously of the opinion “that the permission...to drive infected sheep from one part of the Colony to another during the month of February ought not to exist”, and therefore recommended an absolute prohibition against driving any infected or diseased sheep. This was in line with the views of the majority, although by no means all, of the respondents. The Committee recommended “a

considerable augmentation of the fines previously imposed”, and “that no one should be allowed to remove sheep from their accustomed run, unless furnished with a passport, to be granted by the nearest Bench of Magistrates, or by the Commissioners when beyond the boundaries, upon a declaration being made...that the sheep...are free from infection”. A false declaration should be dealt with as a misdemeanor. The Benches of Magistrates should be empowered “to direct to be seized and destroyed, any infected sheep that may be discovered off their accustomed run, or travelling from one part of the Colony to another”. In all cases of second conviction the penalties should be doubled. “The entire prohibition from travelling with diseased or infected sheep cannot be regarded as a hardship by the owners; sheep infected with scab may be cured on their accustomed runs, and in every case the proprietor of such sheep has the alternative of boiling them down...into tallow [on his own land]”. The Committee also noted that on 14 August 1845/9 it had been asked to report on whether it was “considered desirable for the Government to adopt any system of reward, payable from the Revenue of the Colony, for the destruction of the native dog”.. The Committee thought this sensible, but said that the Executive Government should determine a scale of rewards together with the necessary regulations. On 14 October 1845/42 Charles Cowper introduced *A Bill to prevent the travelling of sheep infected with scab, on public roads and thoroughfares, and for other purposes*: this was passed on 24 October 1845/49, but it and all the previous Sheep Acts still in force at the time were repealed in 1846 by a new Sheep Act, *An Act to consolidate and amend the laws now in force for preventing the extension of the diseases called the Scab, and the Influenza or Catarrh, in Sheep and Lambs, in the Colony of New South Wales*, which was assented to on 30 October 1846. The Act appears to have met all the concerns of the Committee. One might note however that it had taken almost fifteen years to arrive at a solution to a problem which threatened the Colony's most important export.

## 1845/7 COMMITTEE ON STANDING ORDERS

*Background* While it is probable that the Legislative Council from its inception in August 1824 developed a set of practices to guide it in its deliberations, no precise statements of rules and orders was formulated until 1827. No doubt a consolidation of the current rules and orders was maintained in the Legislative Council office, and occasionally the Rules were printed in the Votes and Proceedings. On 7 August 1845 the Colonial Secretary moved the re-appointment of the Standing Orders Select Committee “with instructions to report to the House the amendments which they may deem necessary in those Rules respectively:-- (1) Section 112, as regards the printing of Petitions. (2) Section 125, with respect to the formation of Select Committees. (3) Section 139, with a view to its amendment, in so far as regards orders and proceedings which become lapsed in consequence of the House being counted out”.

*Members of the Committee* The daily record of the Proceedings for 7 August 1845/7 does not list the names of the Committee which was to be re-appointed, but the printed Report gives the names as: The Speaker (Alexander Macleay); Edward Hamilton; William Foster; Charles Cowper; The Colonial Secretary (Edward Deas Thomson); Charles Nicholson; The Attorney General (John Hubert Plunkett); Adolphus William Young.

*Report of the Committee* The Committee reported on 22 October 1845/47 and the Report was printed.. In summary, the recommendations were: (1) Petitions: All of the existing Rules should be repealed and replaced by new Rules as set out in the Appendix to the Report. The Committee recommended that on presentation no debate or discussion be

allowed, but that if any Member desired to bring the matter or subject before the Council he should give notice of this for a subsequent day and that the Petition should then be printed. (2) Select Committees: All of the existing Rules should be repealed and replaced by new Rules, which would retain the desirable parts of the present Rules. Select Committees should consist of not less than five and not more than ten Members. All the Rules relating to Select Committees should apply also to those arising from Select Committees on Private Bills. The normal Rules of the Council should be observed in a Committee of the whole Council, except the Rule limiting the number of times of speaking. (3) Lapsed Orders and Proceedings: Any question under consideration by the House or the House sitting in Committee, which is interrupted by adjournment or by reason of a lack of quorum shall be resumed on the next sitting day taking precedence over all other matters except Government business. (4) Where Rule 90 refers in error to "Sub-Committee", the usage should be "Select Committee".. (5) When a Report is tabled in the House, it and any Evidence or Appendix shall be printed (unless previously printed) before any discussion takes place on it. By the time the Council was prorogued by the Governor on 13 November 1845/61 until 6 January 1846---it actually did not sit until 12 May 1846---consideration of the proposed new Rules and Standing Orders had not taken place. There is no evidence in the Votes and Proceedings that there had been any objection to the proposed changes, and it may be that the new Rules were simply applied from the date of the tabling of the Report without debate. It is unclear whether a copy of the new Rules survives. However, the Standing Orders Committee was re-appointed in the new session on 20 May 1846/6, presumably to hold a watching brief. The Rules of the present (2010) Legislative Council are on the Council's website ([www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au)), in 234 paragraphs.

## 1845/6 COMMITTEE ON THE LEGISLATIVE COUNCIL LIBRARY

*Background* The Council had appropriated the sum of £300 on 16 October 1840/47, for which *see above*, towards the formation of a Library for the Council. A Committee was appointed to oversee this., the membership at that time being The Lord Bishop of Australia (William Grant Broughton); The Attorney General (John Hubert Plunkett); The Auditor General (William Lithgow); Sir John Jamison; James Macarthur. It would appear that what had resulted did not meet the approval of the Council in 1843, since on 18 August 1843(2)/10, for which *see above*, Roger Therry moved that a new Committee be appointed "to make the necessary arrangements for the fitting up and opening of the Library of this Council". The members of this Committee were Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); Hastings Elwin; Charles Ebden; Roger Therry. The Committee found the selection of books provided so far to be unsatisfactory for the purposes of the Council and proposed the purchase of various essential monographs and serials (specified in its Report which was tabled on 27 December 1843(2)/85 and was printed). The Committee was to sit in the 1843/1844 recess but does not appear to have reported in 1844. On 7 August 1845/6 the Colonial Secretary moved the reappointment of the Committee with the Collector of Customs and Charles Cowper as new members. (Elwin and Ebden had ceased to be Members of the Council during 1844).

*Members of the Committee* Roger Therry; Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); Charles Cowper.

*Report of the Committee* The Library Committee from this time on seems to have been in the nature of a Standing Committee, reappointed from time to time as the membership of the Council changed. (On 3 April 2007 the New South Wales Parliament website stated that the Joint Library Committee had not been appointed in the current Session).

## 1845/6 COMMITTEE ON THE LIEN ON WOOL ACT

*Background* On 10 August 1843(2)/6 William Charles Wentworth had introduced *A Bill to enable the Proprietors of sheep to give preferable lien on their clips of wool from season to season, and further, to give valid mortgage securities on cattle, sheep, and horses, without delivery of the same to the mortgagee*. The proposal was controversial: mortgages were, and still are, usually granted on property---land, buildings, etc --- (although the Oxford Dictionary of Law comments that “virtually any property may be mortgaged”); but this Bill proposed to allow proprietors to mortgage the next season's wool clip (before it actually existed) and without giving up possession of the animals, in return for the funds which would enable them to carry on business. The Bill had been passed into law as 7 Victoria No. 3 on 15 September 1843. However, when the Act had been transmitted to the Colonial Office in London, the Secretary of State, Lord Stanley, had expressed strong reservations. “The Act...is a measure so irreconcilably opposed to the principles of Legislation immemorially recognized in this Country respecting the alienation or pledging of things moveable, that, under any other circumstances than those in which the Colony has unhappily been involved, it would have not been within my power to decline the unwelcome Duty of advising Her Majesty to disallow it...But. while I am ready to admit that embarrassments so overwhelming may have justified innovation as otherwise indefensible, I must not less distinctly deny that they afford any valid plea for a permanent departure from those Established Rules, to which all theory and experience alike lend their sanction...the disasters of New South Wales will ere long have passed away; but there will remain on the Colonial Statute Book a Law, expressly authorizing transactions which the Law of England regards as affording the conclusive indication of fraud. It is a Law, which will place Society at the mercy of any dishonest Borrower, and which will stimulate the speculative spirit which it is so important to discourage...unless the intelligence of the repeal of this Law shall reach the Queen in Council.” Lord Stanley's Dispatch was acknowledged by Governor Sir George Gipps on 12 September 1845, and Gipps, on 7 August 1845/6, proposed to the Council *A Bill to repeal an Act to give a preferable lien on wool, and for rendering valid Mortgages of sheep, Cattle, and Horses, valid without delivery to the Mortgagee*: this was the 1843 Act. In his Message to the Council, he included the relevant extract from Lord Stanley's Dispatch. On the same day Wentworth moved the appointment of a Select Committee “to enquire into the working of the Act...and to report whether it is expedient that this Act be repealed, or be continued part of the permanent legislation of this Colony”.

*Members of the Committee* William Charles Wentworth; Joseph Phelps Robinson; Robert Lowe; The Attorney General (John Hubert Plunkett); Edward Hamilton; Charles Cowper; William Dumaresq.

*Witnesses examined by the Committee* William Hamilton Hart (Superintendent of the Bank of Australasia); Leslie Duguid (Managing Director of the Commercial Bank); William Salmon Deloitte (Director of the Bank of New South Wales); William Dawes (merchant); John Gilchrist (merchant); Stuart Alexander Donaldson (merchant); William Carr (solicitor); Randolph John Want (solicitor); William Carter (Registrar General); William

Ogilvie (settler); Hastings Elwin (company director and solicitor); George Kenyon Holden (solicitor).

*Report of the Committee* The Committee reported on 14 October 1845. After extensive examination of the witnesses, it noted that “all of whom concur that it [the Act] has been a most beneficial measure, and that it has saved from insolvency, many deserving Colonists, who, but for the relief afforded, must have sunk under the violent crisis, through which the Colony has passed since it came into force”. The Committee had considered “whether the Act is justly open to the objections contained in Lord Stanley's Despatch No. 156”. It concluded “that so far from placing society at the mercy of dishonest borrowers, or stimulating the spirit of speculation, which it is desirable to restrain, it has a directly opposite effect”. “The provision in the Act for the registration of sheep and other animals proposed as part of the mortgage arrangements has operated not as a stimulus but as an interdict to fraud; it has destroyed that ostensibility of property, by means of which the possessors of moveables with mere qualified ownership in them, were empowered before the passing of this Act to practice deceptions and frauds on the public, and by thus enabling all interested parties at once to ascertain to what extent such apparent ownership exists, it has afforded the most satisfactory guide and limit to the credit which in every case may be properly afforded...only one well authenticated instance of fraud has occurred since the passing of the Act”. The Committee was strongly of the view that the Act “ought to be continued part of the permanent legislation of the Colony”. The Council, on 24 October 1845/49, *passed* the repeal Bill, to continue until but not after the end of 1848. The Governor, on 5 November 1845/56, proposed various amendments, to which the Council agreed on 6 November 1845/57: however, no doubt bearing in mind Lord Stanley's comments, the Governor reserved the Bill “for the signification of Her Majesty's pleasure thereon. The Act 11 Victoria No. 4 repealed the 1843 Act 7 Victoria No. 3: it was to continue until but not after the end of 1850. This Act was in turn extended for a further three years by 14 Victoria No. 24.

## **1845/7 COMMITTEE ON THE MASTERS AND SERVANTS ACT**

*Background* On 17 July 1828/10 the Council had passed *An Act for the better regulation of Servants, Labourers and Work people*, and an amending Bill of 14 July 1840 had been considered by a Committee for which *see above* 1840/15. This 1840 Bill, which repealed the 1828 Act, was passed on 20 October 1840/48 as *An Act to ensure the fulfillment of engagement, and to provide for the adjustment of disputes between Masters and Servants in New South Wales and its dependencies* (4 Victoria No. 23). On 12 August 1845 Terence Aubrey Murray moved the appointment of a Committee to enquire into and report on the Act.

*Members of the Committee* Terence Aubrey Murray; William Bradley; The Attorney General (John Hubert Plunkett); Charles Cowper; Edward Hamilton; George Allen; William Henry Suttor.

*Witnesses examined by the Committee* Charles Windeyer (Police Magistrate); Joseph Frederick Johnson (proprietor of a Registry Office for servants); Henry Macdermott (Alderman of Sydney); Gilbert Elliott (Police Magistrate); William Augustine Duncan; John James Allman (Magistrate); Samuel North (Police Magistrate); James Brindley Bettington (Landowner and Magistrate); James Martin (solicitor); William Ogilvie (landowner and Magistrate); George Robert Nichols (solicitor); Edward Blaxland (landowner); Edward

Dinney Day (Police Magistrate). In addition to the recorded evidence of these witnesses, written submissions to the Chairman of the Committee (T A Murray) were received from Charles Windeyer; Henry O'Brien; Charles Campbell; Henry Dangar; John Stephen; Edmund Lockyer. These were replies to the following questions raised by the Chairman: 1. What do you think of submitting to a Court of one or more Magistrates with two Assessors...all cases of disputes between masters and servants? 2. Ought the evidence of complainant and defendant be admitted? 3. Would you allow the right of appeal? 4 Would you continue to the owner of vineyards the power they now have of selling wine to their servants? 5. What do you think of obliging servants to obtain certificates of discharge? Do you consider that Justices have summary jurisdiction under the present Act?

*Report of the Committee* The Committee reported on 5 September 1845/21 and the Report was printed. It commenced with this statement of good intent: "As all the operations of civilized life are carried on through medium of masters and servants, it is necessary that the law which regulates their mutual intercourse should be stringent and impartial; and that while the full discharge of the duties which he undertakes should be strictly enforced on the part of the servant, he should be protected from ill usage of every kind, and be ensured by law in the full payment of the wages for which he hires". In consequence of a recent case in the Supreme Court a doubt had arisen as to whether a Magistrate had summary jurisdiction in matters relating the law on masters and servants, and indeed the Senior Police Magistrate of Sydney, Charles Windeyer, stated "that he now uniformly declines to adjudicate in cases of the kind". The Committee observed that this anomaly might be dealt with easily by an amendment to the existing Act; "but on a full enquiry into the operation of the Act, and upon consideration of the peculiar circumstances in which masters and servants are placed in this Colony, so many other amendments seem necessary to your Committee that they deem it their duty to recommend the repeal of the present, and the passing of a new law". The Committee also noted "that the evidence of principals [in a case] is not admissible under its provisions...your Committee recommend that Justices...should be empowered to admit, or call for...the evidence of either plaintiff or defendant". On 16 September 1845/26 Murray introduced *A Bill to amend and consolidate the Laws between Master and Servants, in New South Wales*. The Bill had its second reading on 30 September 1845/34 and was considered by the House in Committee, and again on 3 October 1845/37, 14 October 1845/42, 21 October 1845/46, 4 November 1845/55 and 5 November 1845/56. It was passed on 11 November 1845/59 and assented to by the Governor the following day.

## **1845/7 COMMITTEE ON PARLIAMENTARY CORRESPONDENCE**

*Background* For an earlier Committee (referred to as the Standing Committee to Conduct correspondence with Francis Scott, M.P.), *see above* 1844/63. Scott had been engaged by the Council "to represent its interests in the House of Commons and elsewhere in the Mother Country". Thomas Walker who had been a member of the original Committee had ceased to be a Member of the Council in August 1845 (date not found). The other members of the Committee were unchanged.

*Members of the Committee* The Speaker (Alexander Macleay); Alexander Berry; William Bland; Charles Cowper; William Dumaresq; John Dunmore Lang; Hannibal Hawkins Macarthur; John Panton; Joseph Phelps Robinson; William Charles Wentworth; Richard Windeyer; Charles Nicholson; Benjamin Boyd.

*Background* On 25 August 1829/2 Governor Darling had proposed *A Bill to regulate the Slaughtering of Cattle*. Petitions against the proposed Act from William Charles Wentworth, John Dixon and Henry Brooks were received by the Council, and a Committee was appointed to consider the Bill in the light of these Petitions. For this Committee *see* 1829/11. It reported proposed revisions on 5 October 1829/15 and the Council in Committee reconsidered the Bill but it was not passed until 15 March 1830/15. This Act was to expire on 31 May 1832 and accordingly a new Bill was introduced on 28 February 1832/19 to continue the legislation for a further two years; it was passed on 15 March 1832/24. A further renewal Act was passed on 8 April 1834/2 and an amending Bill proposed by the Governor Gipps on 15 August 1843(2)/7 was *passed* on 8 September 1843(2)/21. By 1845 a new process for dealing with livestock had become common, and on 12 August 1845/7 Terence Aubrey Murray moved “that a Select Committee be appointed to enquire into and report upon the operation of...An Act for Regulating the Slaughtering of Cattle” (5 Wm IV No 1).

*Members of the Committee* Terence Aubrey Murray; Charles Cowper; Francis Lord; William Bradley; The Attorney General (John Hubert Plunkett); Thomas Icely; William Charles Wentworth.

*Witnesses examined by the Committee* Hart William Hamilton; Thomas Barker; Joseph Armstrong; Arthur Rankin; Edward Hamilton. The evidence of these witnesses was not printed, but letters from Thomas James Blair; Henry O'Brien; Henry Dangar were. .

*Report of the Committee* The Committee reported on 19 September 1845/29 and the Report was ordered to be printed. The Committee noted that the previous *Slaughtering Act* had been passed “at a period when the process of boiling fat stock for their tallow was unknown [and] contains no provisions which have a direct reference to that subject; and as the practice creates a great facility for disposing of stolen sheep and cattle, your Committee think it necessary that it should be brought under Legislative control...It is quite practicable on an ordinary Melting Establishment, to render forty or fifty head of cattle in the course of a day, to have their tallow packed, and the hides salted and cured in a few days after, and to have the whole produce of the animals, tallow, hides, and horns, shipped within a fortnight or three weeks; and that thus every trace which could lead to the identification of the animals, if stolen, would become completely destroyed within that period, as to render a conviction of the offenders next to impossible...As cattle stealing prevails to a great and most serious extent in this Colony...persons driving stock from one district or place to another...[should] obtain passports...[which] should specify their brands and numbers, the route which they were to take, and the place of their destination”. The Committee also proposed that “all Melting Establishments should be licensed”. It also drew to the attention of the Council the proposal of Mr Percy Simpson to the 1839 Police and Gaols Committee (for which *see above* 1839/8) that “every proprietor of stock...[should] have and use a distinct brand”. That suggestion had not been acted upon, but had it been, cattle stealing could have been readily detected. On 26 September 1845/33 Murray introduced *A Bill to extend the provisions of...An Act for regulating the Slaughtering of Cattle so far as they may applicable to boiling and melting establishments, and further to regulate the same*. After several postponements of the second reading of the Bill, partly due to the absence of Murray, on 31 October 1845/53 the Bill was withdrawn from the Notice Paper by Charles Cowper, on Murray's behalf. Murray does not appear to have been in Sydney at this time, and his name certainly does not

appear in the list of Members who voted in a division on the proposed construction of a dry dock at Cockatoo Island on 31 October 1845/53. It is known that Murray's financial situation towards the end of 1845 was precarious: he was probably attending to affairs at his country property and felt unable to proceed with the Bill. It is perhaps ironic that he may have been overseeing the boiling down of sheep. For later developments *see below* 1848/12 Committee on Slaughter Houses

## **1845/9 COMMITTEE ON THE GENERAL CEMETERY BILL**

*Background* According to the evidence of the Reverend Dr William Cowper before the 1845 Committee, before about 1793 interments had taken place “in the rear of the Military Barracks, in what is now called Clarence Street”. From 1793 to the end of January 1827 burials in Sydney took place in the “old” burial ground near St Andrew's Church, (now St Andrew's Anglican Cathedral) in George Street. Dr Cowper had remarked that the site was at that time “out of the town”. By 1844 the growth of Sydney had overtaken this “old burial ground”, which was probably too small and was certainly a piece of prime real estate. On 23 December 1845/90 Governor Gipps by Message proposed *A Bill for the establishment of a General cemetery in the neighbourhood of Sydney* but on 30 December 1844/95 the Session was prorogued until the following year; in consequence the Bill lapsed. The Governor then reintroduced the Bill on 7 August 1845/6 as *A Bill to authorise the establishment of a General Cemetery in the neighbourhood of the City of Sydney, and removal to the same of the remains of the Dead formerly interred in a Burial Ground in Sydney, which has long been disused, and for other purposes*. The Bill was read a first time on 13 August 1845/8, and was referred to a Select Committee. This Committee was appointed on 14 August 1845/9.

*Members of the Committee* Charles Cowper; Charles Nicholson; The Attorney General (John Hubert Plunkett); John Dunmore Lang; George Allen; Robert Lowe; John Lamb; Joseph Phelps Robinson; The Colonial Secretary (Edward Deas Thomson).

*Witnesses examined by the Committee* William Cowper; Thomas Livingston Mitchell; John Tooth; William Augustus Miles; John M'Enroe; John M'Garvie.

*Report of the Committee* The Committee reported on 22 October 1845/47 and the Report and Minutes of Evidence were printed. The Committee was aware that at least part of the argument for removing the remains from the “Old Cemetery” (which one witness before the 1845 Committee had described as “a disgrace to any civilized community”) was the desire of the Sydney City Council to use the site for a new Town Hall: this had been the subject of a deputation from the Council which addressed to Governor on the matter in May 1844. It is likely that many in the community saw the need for a new cemetery: the “New” or “Sandhills” cemetery at Elizabeth Street and Devonshire Place which had been used since about 1820 was already completely full, and Committee was fully apprised of the need to select a site for a new cemetery and went on in the Report to comment on the several sites which had been suggested. The Committee reported that it had “taken into consideration the Petition from certain inhabitants of the City of Sydney, against disinterring the remains resting in the Old Burial Ground, George-Street, with a view to its being granted as a site for a Town Hall...” The Petition which had been tabled by the Colonial Secretary on 19 August 1845/10 was not printed but the record of the day's Proceedings shows that it was “from the Minister, Churchwardens, and Resident Parishioners of the Parish of St Andrew...which had been transmitted to...the Governor

by the Lord Bishop of Australia on the 21st July 1844, praying that His Excellency would be pleased not to alienate for any purposes exclusively secular, any portion of the Old Burial Ground...but that the same may be allowed to remain appropriated to its present use, and annexed in charge for the benefit of the whole community to the Church which has been erected on a portion of it". The Committee cited three reasons why it believed that the proposal should not proceed: "First, because the feelings and prejudices of many persons are strongly opposed to any such measure...although...were any object of sufficient public importance to arise, that such scruples ought not to be regarded as insuperable...they see no reason, in the present instance, to recommend that this land should be employed as building ground. Secondly, because it appears desirable to preserve it as an open space in this central part of the City.. And thirdly, there is...no scarcity of suitable ground, but several more eligible sites for the Town Hall may be obtained." After discussing the merits of the various sites, the Committee recommended that the Governor be asked to place a sum on the Estimates for 1846 to allow a new cemetery (or cemeteries) to be enclosed. The remains from the Old Burial Ground were not removed to the New Cemetery, but transferred to the newly opened Necropolis at Rookwood, to the west of Sydney, in 1869. The New Cemetery was closed in 1901 to allow extension of the railway from its Redfern terminus to Devonshire Street (the site of the present Central Railway Station. The Town Hall was built on the cemetery site, and renovations in 2008 uncovered a skeleton.

#### **1845/10 COMMITTEE ON THE CONDITION OF THE ABORIGINES**

*Background* A Committee appointed on 14 August 1838/23 had reported that it had not been able to examine as many witnesses as it thought desirable; it made no recommendation except that the remnant aboriginal population of Van Diemen's Land which had been relocated to Flinders Island should not be transferred to New South Wales. Another Committee was appointed on 11 June 1839/8 but does not seem to have ever met or reported. On 19 August 1845/10 Richard Windeyer moved the appointment of a Committee "to consider the condition of the Aborigines, and the best means of promoting their welfare". On the same sitting day Jon Dunmore Lang moved that the Committee also "enquire into the working of the Protectorate of the Aborigines at Port Phillip, and to take into consideration the Petition of Mr C W Sievwright, late Assistant Protector in that District", but after debate withdrew his motion. He attempted to reintroduce it on 22 August 1845/13, but on the motion of Windeyer the Council resolved "that all Petitions and Papers relating to the matter, which have been laid upon the Table of this House, be referred to the Committee..." On 1 October 1845/35 Charles Nicholson presented "a Petition from certain Inhabitants of the Town and District of Geelong, Port Phillip, praying the extension of the principle on which the Wesleyan Aboriginal Mission at Bunting Dale is founded". This Petition was referred to the Committee. On 23 September 1845/30, Nicholson on behalf of Windeyer, moved that the Governor be requested to table "a return of the expense defrayed from the Colonial Treasury...of every Mission to the Aborigines...from the 31st December 1842... and the Reports made to the Government, from or respecting the Protectors of Aborigines, since December 1842". The Return of the Expenses of the Missions was tabled on 1 October 1845/35, and the Return on the Aborigines Protectorate on 21 October 1845/46.

*Members of the Committee* Richard Windeyer; Joseph Phelps Robinson; William Bradley; Francis Lord; William Henry Suttor; John Dunmore Lang; William Bowman; Charles Nicholson; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* Mahroot, an Aboriginal Native; John Bede Polding, (Roman Catholic Archbishop of Sydney); James Malcolm; William Schmidt. In addition to the recorded evidence of these witnesses, replies to a Circular Letter sent by the Clerk of the Legislative Council to Benches of Magistrates, Commissioners of Crown Lands, and other Gentlemen residing too remote from Sydney were received from: Christopher Rolleston, Commissioner of Crown Lands, Darling Downs; John Clements Wickham, Police Magistrate; Stephen Simpson, Commissioner of Crown Lands; Robert George Massie, Commissioner of Crown Lands; William Nairn Gray, Police Magistrate; Kenneth Snodgrass and Archibald Windeyer, for the Bench of Magistrates, Raymond Terrace; E M M'Kinlay and C L Brown, Magistrates in the District of Dungog; Joseph Docker, for the Scone Bench of Magistrates; James Henry Crummer, for the Newcastle Bench of Magistrates; David Dunlop, Wollombi; Bench of Magistrates, Brisbane Water; Gilbert Elliott, for the Bench of Magistrates, Parramatta; James Thomas Morrisset, George Ranken, David Maxwell Irving, William Lawson jnr, James Byrne Richards, Magistrates of the District of Bathurst; James Chisholm, for the Bench of Magistrates, Campbelltown; James Fitzgerald Murray, of Queanbeyan; Henry Bayly, Robert Lowe, Nicholas Paget Bayly, Justices of the Peace, Mudgee; George James Macdonald, Commissioner of Crown Lands, New England; Francis Flanagan, Broulee; Henry Bingham, Commissioner of Crown Lands, Murrumbidgee; John Lambie, Commissioner of Crown Lands, Maneroo; Edward Brown Addis, Commissioner of Crown Lands for County of Grant, Port Phillip; Henry Wilson Hutchinson Smythe, Commissioner of Crown Lands for Murray District, Port Phillip; Frederick Almons Powlett, Commissioner of Crown Lands for the Western Port District, Port Phillip; Foster Fyans, Commissioner of Crown Lands for the Portland Bay District, Port Phillip; Charles James Tyers, Commissioner of Crown Lands, Port Phillip; George Augustus Robinson, Chief Protector of Aborigines, Melbourne; Edward Parker, Assistant Protector of Aborigines; William Thomas, Assistant Protector of Aborigines; John Watton, Surgeon, Western Aboriginal Establishment. These were replies to the following questions: 1. What is the probable number of Aborigines in your district...males, females and children? 2. Has the number diminished or increased...with the last five years? 3. Has the decrease been among the children or adults? 4. To what causes do you attribute the decrease...? 5. What is their actual condition and means of subsistence? 6. Has their ordinary means of subsistence diminished...? 7. Have blankets been issued...? 8. Have they been allowed or refused Hospital or Medical treatment...and...at whose expense? 9. What proportion of them are either regularly or occasionally employed by the settlers, and in what way? In what manner are they remunerated? 10. What habits have they bearing upon their aptitude for employment? 11. Are there any ...half-castes...? 12. Is there any disposition on the part of the white labouring populations, to amalgamate with the Aborigines, so as to form families? 13. Are the Aborigines in friendly or hostile relations with the settlers...? 14. What destruction of property has been occasioned by Aborigines? 15. What are the relations, friendly or hostile, of the Aborigines among themselves...? 16. Are their numbers...affected by their hostilities...? 17. Is infanticide known among them? 18. Will you...state any facts relative to the Aborigines that would assist the Committee in its endeavour to promote their welfare?

*Report of the Committee* On 31 October 1845 the Committee reported that it had so far received only a few answers in reply to the circular letter referred to above, (although 35 replies were printed as an appendix to the Report). The Committee went on to say that "Different Members of the committee have undertaken to produce, next year, from their

several Districts, intelligent Aborigines able to state their own views of their condition; a species of testimony so desirable that, if with no other view than to obtain it, your Committee would have forborne to make a final Report this Session; your Committee purposes, at present, to do no more than report the evidence they have already taken, and the means by which they hope obtain more". The Committee was re-appointed on 12 June 1846/19., and further replies to the circular letter were ordered to be printed on 31 October 1846/31 on which date the Session was prorogued. The Committee was again re-appointed on 25 May 1847/8.: it did not report in that year.

## 1845/13 COMMITTEE ON IMMIGRATION

*For other Immigration Committees see 1855/34*

*Background* For at least the major landholders of the Colony a supply of labourers, mainly to tend their flocks of sheep, had been a continuing need for many years. There were of course, from time to time, other needs including skilled artisans (for building work), and marriageable women (of whom there was a great shortage). Select Committees had been appointed by the Governor and/or the Legislative Council every year or two since 1832. There had been little assisted immigration, either by Government or by landholders because the funds which had hitherto been supplied by the sale of Crown lands had all but dried up once the Home Government had raised the price of land from 5 shillings to one pound per acre. By mid-1845 it had become clear to the landholders that their requirements for labour at a reasonable cost could only be met by a resumption of assisted immigration, although it was conceded that there were still too many mechanics and other artisans unemployed in the city. On 22 August 1845/13 Charles Nicholson moved the appointment of a Committee "to enquire into and report upon the best means of promoting Immigration"..

*Members of the Committee* Charles Nicholson; Robert Lowe; The Colonial Secretary (Edward Deas Thomson); Charles Cowper; William Dumaresq; The Auditor General (William Lithgow); John Dunmore Lang; Terence Aubrey Murray.

*Witnesses examined by the Committee* James Malcolm, of Port Phillip; Robert Graham, merchant of Sydney; Thomas Walker; William Augustus Miles, Chief Commissioner of Police; Thomas Barker, flour miller of Sydney; Philip Holland, of Port Phillip; John Udney, Surgeon Superintendent of Immigrant Ships; *Revd* William Schmidt, of the Mission at Moreton Bay; William Walker; Mrs Caroline Chisholm; John Dobie, Surgeon R.N., of Clarence River; William Dumaresq; Francis Lewis Shaw Merewether, Agent for Immigration for New South Wales [an Appendix of various statistical returns was appended to Mt Merewether's statement and is printed]; Joseph Frederick Johnson, keeper of a registry office in Sydney for farm and other servants.

*Report of the Committee* The Committee reported on 30 September 1845/34 and the Report was printed. "The unanimous conclusion at which your Committee have arrived, is, that there is already a scarcity of labour throughout the Colony, and that the deficiency now felt, is daily being experienced to a still greater and more serious extent". However, the Committee noted that "a considerable number of mechanics introduced...under the bounty system, failed to find employment during the years 1843 and 1844...The chief resources of the Colony are of a pastoral and agricultural kind, and the demand for labour...is constant and progressive...Seven-eighths of our exportable produce consist of

wool...A reduction of the price realized by this commodity, or an increased expenditure in the cost of its production (whether arising from exorbitant wages or any other cause), must strike at the root of our general prosperity...". Evidence taken by the Committee showed that very substantial increases in wages were being sought ("during the last three months the wages of shepherds and farm labourers has increased fifteen per cent"), and labour was so scarce in the country districts that wool production was seriously at risk. It was indeed very clear from the evidence that the squatters did not wish to pay higher wages, and that they felt that the arrival of more suitable immigrants would bring wages down. The Committee was particularly critical of the practice of some landholders (probably mostly in the Port Phillip District) of employing expirée convicts from Van Diemen's Land, and yet again proposed that the Home Government should meet a considerable part of the costs of maintaining the police and the gaols which the continuing presence of ex-convicts made necessary. A regular increase in the population was needed, but "the introduction of an exclusively male population can be attended with no permanent increase in the population..." It was desirable to bring in some men with families: "the settlement of...men intermediate between the labourer and the flock master...would constitute a class of yeomanry and small farmers...Emigrants arriving in the Colony, bringing with them a small capital and habits of industry, would constitute a social grade in Colonial society, of which it is at the present moment to a great extent deficient." The Committee turned its attention as to how the costs of immigration might be met. "While England possesses a population, whose increasing redundancy is felt every year to be an additional burden, it would appear to be only in accordance with the principles of justice, as well as of sound policy on her part, to contribute towards the expense incurred in the removal of that portion of her surplus population, which, by its transfer to the Colony, instead of being a burden, becomes a source of profit to the parent State...The British Emigrant on his settlement in Australia becomes a larger consumer of British manufactured goods than the inhabitant of any other British Colony, or any foreign customer...The direct advantages accruing to the mother country from Emigration to New South Wales, are so obvious and decided, that it may fairly be assumed that it is as much her interest to promote and encourage, as it is the interest of the Colony to aid the cause of Emigration." It followed, therefore, that England should share the costs of Emigration with New South Wales. The increase in the upset price of Crown land, from 5 shillings an acre to one pound had meant that the Land Fund had been all but wiped out, and "your Committee deprecate the adoption of any plan, by which the Colony is compelled to make immediate payment from its present resources for the cost of introducing Immigrants...The sudden export of upwards of a million sterling of its capital, incurred on the payment of bounties on the Immigrants who arrived in the years 1838, 1839, 1840, 1841, and 1842 was one of the causes of the great crisis, and of the extraordinary depreciation in the value of all kinds of property that ensued, in the years 1843 and 1844." The Committee therefore suggested that "A loan raised in England, at a moderate rate of interest, and redeemable by a sinking fund, would present a means for averting all the evils...while the most ample security would be afforded to the British creditor". The quite complex arguments in favour of this proposal are explored in considerable detail in the Report, to which the researcher must turn. The Report having been printed, on 7 October 1845/38 Nicholson proposed a series of resolutions, of which the substance is as follows: 1. There is "a very inadequate supply of labour for pastoral and agricultural purposes...[which will] retard the general prosperity of the Colony, and, by an increase in...wages, materially affect the production of its staple export--wool". 2. An annual increase of 12,500 immigrants is required. 3. If a loan was raised for the purpose of immigration, "ample security exists in the Crown Land Revenue". These resolutions having been passed after debate, Nicholson then moved

that the Governor be requested to transmit the Report of the Committee to the Secretary of State for the Colonies in the hope that the recommendations might be implemented. With as an amendment, the addition of the words “that a portion of the expense of immigration be defrayed from the funds of the Mother Country”; the resolution was passed. The Governor, in his address to the Council on the occasion of its prorogation on 13 November 1845/61, state that “I have forwarded to Her Majesty's Government the Address...on the subject of Immigration; and I have much pleasure in supporting the recommendation...that Immigration may be resumed...however...we should proceed with caution, especially in regard to the number of persons to be introduced into the Colony.” The Home Government does not appear to have been very impressed with the proposals, however, and the Council appointed yet another Immigration Committee, on 18 May 1847/7, which reported on 14 September 1847/72 *for which see below*.

#### **1845/14 COMMITTEE ON THE VILLAGE OF ST KILDA**

*Background* On 31 July 1845/2 “Charles Nicholson presented a Petition from certain Proprietors and Occupiers of Property at St Kilda, in the County of Bourke and District of Port Phillip, praying that St Kilda may be excluded from the limits assigned to the Town of Melbourne for purposes of the Corporation.” On 26 August 1845/14 on the motion of Nicholson a Committee was appointed to report on the Petition.

*Members of the Committee* Charles Nicholson; John Dunmore Lang; Charles Cowper; Joseph Phelps Robinson; Terence Aubrey Murray; William Charles Wentworth; The Colonial Treasurer.

*Report of the Committee* The Committee reported on 9 October 1845/40, having taken into account a Petition presented by Joseph Phelps Robinson on behalf of “the Mayor, Aldermen, and Councillors, of the Town of Melbourne, praying the [Legislative] Council will not Take Any steps in reference to the Petition from St Kilda, which will in any way affect the franchises, immunities, and privileges of the Corporation of Melbourne, without the consent and concurrence of the Town Council of Melbourne.” The original Petition had stated that St Kilda was “a small village on the sea coast at Hobson's Bay, about four miles distant from the Town of Melbourne, with which it is not even connected by any formed or artificial road, the intervening space consisting entirely of land as yet in a wild uncultivated state”. The Petitioners had claimed that they would be subject to taxation without any benefits, to police rates without protection, deprived of a vote in returning members to the Legislative Council; whereas the suburb of Richmond, “much larger, more populous, about three miles nearer to, and almost continuous with the Town of Melbourne, is not included within the township, and is consequently exempted from the taxation...” The Committee reported that having examined a map showing the respective boundaries of St Kilda and Melbourne, the original Petitioners had a claim “founded in reason”, and in consequence felt inexpedient to propose any Act to alter the limits of Melbourne; any further consideration should be left to the next Session when more of the members representing Port Phillip might give their views. “The matter being one of an entirely local character, it is expedient that personal knowledge and local experience should be brought to bear upon its investigation.”

## 1845/14 COMMITTEE ON THE AUCTIONEERS LICENSES BILL

*Background* On 26 August 1845/14 Charles Cowper introduced *A Bill to regulate the Licensing of Auctioneers, and the collection of duties on property sold by Auction*. In January 1801 Governor King had established by ordinance a duty of one and a half per cent on sales of goods by auction; this duty, and other duties including those on some imports, and on spirits, were originally intended to establish an Orphan Fund, and subsequently for other purposes as well, and also to the general revenue of the Colony. A Committee was appointed to investigate and report on the Bill.

*Members of the Committee* Charles Cowper; John Lamb; Joseph Phelps Robinson; The Auditor General (William Lithgow); Francis Lord; Charles Nicholson; George Allen.

*Witnesses examined by the Committee* Samuel Lyons, auctioneer; John Long Innes, magistrate; Thomas Sutcliffe Mort, auctioneer; Thomas Stubbs, auctioneer; Acton Sillitoe, merchant; Charles Windeyer, Police Magistrate; John Pearce, Police Inspector; Thomas Molloy.

*Report of the Committee* The Committee was of a mind to recommend that the auction duty (which ranged from one half of a per cent to one and a half per cent) be completely abolished “as soon as the funds of the Colony will admit”, but observed that this did not appear to be the intent of the Bill as it stood at present. It appeared that the Bill had “been drawn...with the double object of regulating the mode of granting Auctioneers licenses, and also of modifying the duty to be levied. So as, while it gives facilities for effecting sales by auction, will not cause any reduction in the total amount of duty to be collected”. The Committee therefore proceeded to make a number of recommendations “calculated to make the Act more perfect”. The current lax mode of granting Auctioneers Licenses should be improved by giving fourteen days notice of intention to apply; a Special Petty Session should be convened, and licenses should be granted for a calendar year or part thereof; the license fee should be increased to fifteen pounds per year, or *pro rata* for parts of a year; the names of all Licensed Auctioneers and their sureties should be published in the Government Gazette. As previously recommended by the Select Committee on the Security of Life and Property *for which see above 1844/10*, night auctions should be prohibited. The rate of duty should be reduced to half of one per cent upon all sales by auction, with as few exceptions as possible, and the rate should be the same on articles of Colonial produce as upon imported goods: no higher rate should be charged on lands and real property, than upon person and chattel property.

## 1845/14 COMMITTEE ON THE AUSTRALIAN GENERAL ASSURANCE COMPANY BILL

*Background* The Company had been established in 1836 as the Fire and Life Assurance Company; Marine Assurance was added in 1839, but by 1845 the Fire and Life business had been discontinued (the latter having been transferred to the Australasian Colonial and General Life Assurance and Annuity Company). A deed of settlement had been executed by the shareholders. On 26 August 1845/14 John Lamb, on behalf of John Bayley Darvall who was not present, introduced *A Bill to simplify proceedings in law or in equity, by or against the Australian General Assurance Company, and for other purposes therein mentioned*. It was referred to a Committee.

*Members of the Committee* John Lamb; Charles Cowper; The Attorney General (John Hubert Plunkett); Robert Lowe.

*Witnesses examined by the Committee* George Kenyon Holden, Solicitor for the Australian General Assurance Company; James Christy Phelps, Secretary to the Australian General Assurance Company.

*Report of the Committee* The Committee reported on 1 October 1845/35 that having examined Mr Holden and Mr Phelps, it was satisfied that “the provisions of the Bill are generally unobjectionable”. As an aside, it noted that “Had the question been open to them consider whether any encouragement should be afforded to Joint Stock Companies, they might have hesitated before they recommended the Council to encourage associations, which recent experience has shewn to be attended with so much danger to the community” The Bill was passed on 17 October 1845/45.

#### **1845/14 COMMITTEE ON THE SALE OF STOLEN WOOL**

*Background* The unlawful disposal of wool and other country products to traders and merchants in Sydney was a matter of some concern, especially, it seemed to Terence Aubrey Murray, who on 26 August 1846/14 moved the appointment of a Committee “to enquire into the best mode of preventing it” .

*Members of the Committee* Terence Aubrey Murray; Charles Cowper; William Charles Wentworth; The Attorney General (John Hubert Plunkett); Hannibal Hawkins Macarthur; John Lamb; Robert Lowe.

*Report of the Committee* It is not clear whether the Committee actually met. No Report was presented to the Council in the remainder of the Session; and the Committee does not appear to he been re-appointed in the following year.

#### **1845/16 COMMITTEE ON THE CENSUS BILL**

*Background* The first census of New South Wales was taken in 1828. Later ones were in 1833, 1836, 1841. In his Address to the Council on 29 July 1845/1 Governor Gipps foreshadowed the taking of a Census in 1846. On 13 August 1845/8 the Governor by Message presented the draft of a *Bill to authorize the taking of a Census of the Population..* It had its first reading on 21 August 1845/12 with the title *A Bill for ascertaining the number of the Inhabitants of the Colony of New South Wales, in the year one thousand eight hundred and forty-six*, and its second reading on 28 August 1845/16: a Committee was appointed to “examine its provisions, and to report...such amendments as they may deem desirable...”

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Colonial Treasurer; Charles Nicholson; Joseph Phelps Robinson; The Auditor General (William Lithgow).

*Witnesses examined by the Committee* Revd Ralph Mansfield, author of *An Analytical Review of the last census taken in the Colony*; William Augustus Miles, Commissioner of Police for Sydney; Captain Joseph Long Innes, Superintendent of convict gangs.

*Report of the Committee* The Report was tabled by the Colonial Secretary on 14 October 1845 and was ordered to be printed. The witnesses called and examined were those that the Committee thought “most likely to afford them useful suggestions”. It was “fully alive to the advantage of rendering that information as full and complete as may be practicable...[but] have not been unmindful of the danger of impairing the general accuracy of the Returns, by rendering them either too complex, or too voluminous, for the machinery which can be commanded, or the expense which it would be proper to incur, for this object. To attempt a much more elaborate and minute classification of the ages, condition, religion, and occupation of the population, than that which was obtained in the Census of 1841, and proposed in the [present] Bill...would be neither expedient, nor likely to be attended with success”. At the same time the Committee believed that it would be useful for information to be collected “relative to the elementary education of the population”. However, “instead...[as in the 1841 Census, and as] proposed in the [present] Bill, [the practice]of requiring the occupations of individuals to be classified under certain defined heads, every person should state, in his own way, the occupation which he follows...The classification should afterwards be left to be made by the parties upon whom will devolve the duty of compiling the general Abstracts of the Returns”. The Committee then proceeded to propose “the sub-divisions...in the classification of the occupations of the population” as follows: 1. Commerce--including merchants and bankers. 2. Trade -- including shopkeepers, storekeepers, and other retail dealers. 3. Manufacture--including millers, cloth manufacturers, hat makers, soap boilers, distillers, brewers, tallow manufacturers. 4. Agriculture 5. Grazing, including shepherds and stockmen. 6. Horticulture. 7. Other laborers. 8. Mechanics and artificers not engaged in manufactures. 9. Domestic servants, male and female. 10. Clerical profession. 11. Legal profession. 12. Medical profession. 13. Other educated persons. 14. Alms people, pensioners, paupers etc. 15. All other occupations. 16. Residue of population. An amended Bill was appended (but not printed in the Report).

## **1845/17 COMMITTEE ON SUPREME COURT RULES AND ORDERS**

*Background* On 29 August 1845/17, on the motion of Charles Cowper, a Committee was appointed “to enquire into the extent and exercise of the powers of Legislation and Taxation possessed by the Judges of the Supreme Court; and that the Report be presented by the first of October next”. On the same sitting day Joseph Phelps Robinson moved that “...it be an instruction to the Select Committee...to extend their enquiries into the expense of the Judicial Establishment of New South Wales generally”. The existing Supreme Court Rules were tabled by the Colonial Secretary on 9 September 1845/22, and on 19 September 1845/29 Cowper requested “a Return of all fees received by the Judge and other Officers of the Court of Vice-Admiralty...since 1st January 1840”.

*Members of the Committee* Charles Cowper; John Lamb; George Allen; John Bayley Darvall; William Foster; Robert Lowe; The Attorney General (John Hubert Plunkett); The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; Richard Windeyer

*Witnesses examined by the Committee* Randolph John Want, solicitor of the Supreme Court; Robert Johnson, solicitor of the Supreme Court; Alfred Stephen, Chief Justice; George John Rogers, solicitor and attorney of the Supreme Court; Frederick Wright Unwin,

solicitor and attorney of the Supreme Court; Robert Owen, solicitor of the Supreme Court; G P F Gregory, Prothonotary and Registrar of the Supreme Court; Hastings Elwin; John Gurner, solicitor of the Supreme Court, and former Chief Clerk of the Supreme Court; George Kenyon Holden, attorney of the Supreme Court; James Norton, solicitor.

*Report of the Committee* The Report had been called for by 1 October 1845 but an extension of time until 1 November 1845 was granted. On 29 October 1845/51 the Committee presented a Progress Report on the ground that it had not been able to complete its enquiry. It recommended that the Minutes of Evidence which had been tabled along with the Progress Report be printed, and that the Committee be re-appointed in the following Session . The Committee was re-appointed on 14 May 1846/3, *for which see below*.

## **1845/21 COMMITTEE ON APPROPRIATIONS UNDER THE ROADS ACT**

*See also below 1846 (1)/ 8 Committee on Roads and Bridges*

*Background* On 5 September 1845/21 Robert Lowe moved “That it is the right of this Council to appropriate all sums raised” for roads and bridges under the provisions of the Act 2 William IV no 12. The Executive Government had however appropriated without the authority of the Council a sum of approximately £1,458 raised by tolls, for the repair of roads and bridges, principally through the District Council of Parramatta. In the course of debate William Charles Wentworth moved by way of amendment that “a Select Committee of seven Members be appointed to enquire into, and report, within one month...upon the appropriation of monies raised under the Act 2 Wm IV no 12, and 6 Victoria no 15”. This latter Act dealt with the disposition of fees collected in the several Courts. The real issue, of course, was the right of the Council, not the Executive, to decide how monies should be spent; and it was not helped by the fact that in the case of the roads and bridges, public funds had been handed over to the Parramatta District Council, “a body whose functions the representatives of the people have repeatedly declared most distasteful to them, and ruinous to the Colony”.

*Members of the Committee* W C Wentworth; Charles Cowper; Francis Lord; Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); Richard Windeyer.

*Report of the Committee* The Committee reported on 14 October 1845/42. The Attorney General and the Solicitor General had both given opinions which sought to justify the actions of the Executive Government, but which had been given after the event: the Committee was in no mind to be swayed by these. It implied that it would not “suggest to the Council the course which they ought to adopt; [but] they have, however, prepared a Bill which, if passed, and fairly acted on, will prevent such controversies for the future, by repealing so much of all local ordinances now in existence as assume to vest the appropriation of the ordinary Revenue elsewhere than in the Legislative Council”. This Bill appears not to have been introduced into the Council.

**1845/22 COMMITTEE ON THE BRIDGE OVER THE NEPEAN RIVER**

*Background* The crossing over the Nepean River (the name given to what was later found to be the upper reaches of the Hawkesbury River) was a vital part of the road between the County of Cumberland and the Districts of Bathurst, Lachlan, Wellington and Mudgee. The crossing was achieved by means of a ferry. William Russell proposed to build a bridge, for the use of which he requested to be allowed to take a toll. On 9 September 1845/22 William Charles Wentworth *introduced A Bill to enable William Russell, Esquire, of Regentville, in the County of Cumberland, to erect and maintain a Bridge over the River Nepean, near the Town of Penrith, and to take toll for a term of years, and for other purposes therein mentioned.* On the motion of Wentworth the Bill was referred to a Committee for consideration.

*Members of the Committee* William Charles Wentworth; Joseph Phelps Robinson; Charles Cowper; William Lawson; The Auditor General (William Lithgow).

*Report of the Committee* On 21 October 1845/46 Charles Cowper had presented a “Petition from certain landholders, Residents, and others interested in the prosperity of the Township of Penrith, and Emu Plains, against the passing of the Bill...and praying the erection of a Bridge across that part of the River where the Government Punt now plies.” The Committee reported on 29 October 1845/51 to the effect that it could not sanction the Bill for the following reasons: (1) The bridge as proposed was too narrow to allow two drays passing in opposite directions; Russell had omitted “to estimate for the great outlay that would be incurred in forming proper approaches to the bridge...because the widening of the bridge...and the formation of such approaches (without which this undertaking would be completely valueless to the public) could not be accomplished...at a cost less hat £10,000...which the Committee had no proof” that Russell had or could raise. (2) ...the [proposed bridge would disturb extensive vested interests in the town of Penrith, and along the public road on the opposite side of the Nepean River. (3) “...the alteration in line of road...would increase the distance which the inhabitants of the Country, westward of the Nepean River, would have to travel to the metropolis. (4) The traffic between the County of Cumberland and the Districts referred to in the Bill “is sufficiently extensive already to warrant construction of a suitable bridge...in connexion with the public line of road already formed to the public Ferry, at great expense.” It was the opinion of the Committee “that works of this description should be undertaken by the Government, rather than by private speculators”. The Report and Evidence was ordered to be printed, and on 4 November 1845/55 Cowper moved that the Governor should be advised “that a bridge of suitable and substantial character should be erected, at as early a period as may be convenient, across the Nepean River, either in the locality where the Penrith Punt is now placed, or in any other position in its immediate vicinity which...may be considered more eligible”, and that it be financed either from the Revenue of the Colony, or by a loan raised from the funds of the Savings Bank. This motion was debated and then withdrawn.

## 1845/22 COMMITTEE ON LIGHTHOUSES IN BASS'S STRAITS

*For earlier Committees see 1841/4, 1842/25*

*Background* For this, *see above* the Committee of 1842/25. On 9 September 1845/25 Joseph Phelps Robinson proposed the appointment of a Committee “to enquire and report as to the best positions for Light Houses or Beacons, in Bass’ Straits, or on the coasts adjacent”. He also asked that the Governor be asked to table “copies of any correspondence that may have been entered into, together with extracts of Reports of any Surveys of Bass Straits, made with a view of determining the most eligible sites for Light Houses”.

*Members of the Committee* Joseph Phelps Robinson; John Lamb; The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (William Lithgow); Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); Robert Lowe.

*Report of the Committee* The Committee reported on 16 October 1845/44 and the Report and Evidence and Appendices were printed. The Report made detailed recommendations as to the placing of the lights, and how the recurrent expenses of their operation might be met by levies on shipping. On 24 October 1845/49 the Council requested the Governor to place on the Estimates for 1846 “the sum of £9,000, towards the erection of, and purchase of the requisite machinery for Light Houses at Cape Otway, King’s Island, Kent’s Group, and Cape Howe”, provided that arrangements could be made with the Government of Van Diemen’s Land “for obtaining a supply of Convict labor to carry on the works”. In view of the difficulties of gaining access to some of the proposed sites (and to Cape Otway in particular) it is not surprising that the work proceeded slowly. The shipwreck of the *Cataraqui* with loss of the lives of 414 emigrant passengers prompted the Admiralty and the Secretary of State for the Colonies to press for expedition in the construction of the lighthouse. However, as the note to the entry on the 1842/25 Committee, observes, the Gabo Island light (for Cape Howe) did not come into use until 1853.

**1845/22 COMMITTEE ON THE DEFALCATION OF THE LATE REGISTRAR OF THE SUPREME COURT**

*Background* John Edye Manning ) had been appointed Registrar of the Supreme Court of New South Wales in 1828 and took up his appointment the following year. He was subsequently also appointed Curator of Intestate Estates and was required to lodge a surety of £2000. He had consistently complained that his official income was less than that he had been promised; in 1841 he had suffered severe financial losses. Although he was required to lodge the intestate estates money in the Savings Bank he did not do so; he was suspended from office in 1842 and his town estate was sequestrated. He admitted that his private and public funds had been kept in the same account. The Secretary of State for the Colonies insisted that all claims for compensation be made in the Colony. [For a more detailed account see the entry in the *Australian Dictionary of Biography On-line edition.*] The Legislative Council, not surprisingly, took the view that since the British Government had appointed Manning to a position of trust despite a previous insolvency, it was its responsibility to meet claims, and resolved to petition the Queen “praying that she will take the necessary steps to make good to the next of kin of deceased persons, the sums deficient, owing to the defalcation in the accounts of John Edye Manning”. A Committee was appointed to prepare the Address to Her Majesty.

*Members of the Committee* Robert Lowe; Charles Cowper; Charles Nicholson; The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; Richard Windeyer.

*Report of the Committee* The Committee reported on 22 May 1846/8 with the proposed Address, and the Council sent it on to the Governor with a request that it be transmitted to the Secretary of State for the decision of the Queen, and also to both Houses of Parliament. The Imperial Government refused to act on it. Members of Manning’s family in the Colony offered to pay compensation for their father’s default; their proposal was apparently disregarded, for in 1849 the Legislative Council of New South Wales passed an *Act* to provide for the payment of claims on the late registrar...”

**1845/27 COMMITTEE ON THE BRIDGE OVER THE YARRA YARRA RIVER**

*Background* The settlement on the River Yarra at Port Phillip Bay which had been established in 1835 had experienced several years of drought, although there were obvious signs that the river had flooded from time to time. However, on Christmas Day in December 1839 the settlers had to contend with their first flood., and there were further floods, some heavy, in Spring 1842, Winter 1842, and Spring 1843. The Government had appropriated £2000 in September 1844 for the erection of a bridge, together with the necessary approaches, and was prepared to spend at least another equal amount. Two matters required resolution: where should the bridge be sited, and of what materials should it be constructed. Superintendent La Trobe informed Governor Gipps (himself an engineer by profession) that although the merchants of Elizabeth Street would have preferred the bridge to be near their premises, this was a low lying part of the town, and he believed that the slightly higher site at Swanston Street was preferable. As to materials, the choice appeared to be between stone, if there was a good supply, or iron; a wooden bridge would have required much iron in its construction. La Trobe was informed that it would be desirable for him to undertake the supervision of the undertaking (if he were so willing). The Legislative Council appointed, on 17 September

1845/27, on the motion of the Colonial Treasurer (Campbell Drummond Riddell, a Committee “to whom the Estimate of the further sum of £1000 for the construction of a bridge over the Yarra Yarra shall be referred”. The Committee was required to report within a week from their appointment (a measure no doubt of a perceived urgency in the matter).

*Members of the Committee* The Colonial Treasurer (Campbell Drummond Riddell), Joseph Phelps Robinson; Charles Cowper; Charles Nicholson; John Dunmore Lang; The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth.

*Report of the Committee* The Report of the Committee was tabled on 24 September 1845: the Council approved the additional expenditure as an item in the Estimates, on 30 October 1845/52, apparently without debate (although of course the Council was sitting as Committee of the whole). The Select Committee had recommended that the bridge be financed wholly by the Government and not, as had been suggested, partly from tolls. It noted that David Lennox, subsequently appointed by the Governor as superintendent of bridges in the Port Phillip District, had recommended a 150 foot single span stone bridge. The Committee concurred with Lennox’s advice that the approaches be substantial and adequate for flood conditions, and noted that the total cost would be of the order of £10,000. The bridge was built as planned and lasted for 35 years before increasing traffic made it necessary for its replacement.

#### **1845/31 COMMITTEE ON BILLS TO ENABLE THE SAVINGS’ BANKS TO GRANT CERTAIN LOANS**

*Background* Governor Gipps, in his speech at the first session of the Council on 29 July 1845/1, referred to a proposed Bill “for enabling the Trustees of the Savings Bank to lend a portion of their unemployed funds to the Corporation of Sydney”. The Bill was transmitted by Message from the Governor on 5 August 1845/4, and had its first reading on 14 August 1845/9. On 23 September 1845/30 Joseph Phelps Robinson introduced a *Bill to enable the Trustees of the Savings Banks of New South Wales and Port Phillip respectively, to lend money to the Corporation of Melbourne, and to the Mechanics Institute there*: this Bill received its first reading on the same day and the second reading was set down for 30 September 1835/34, but instead it was referred to the Committee on the Sydney Corporation Bill which had been appointed at the second reading of the Bill on 24 September 1845/31, to report within three weeks.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Colonial Treasurer (Campbell Drummond Riddell); Charles Cowper; Charles Nicholson; William Charles Wentworth; Joseph Phelps Robinson; John Lamb; Richard Windeyer.

*Report of the Committee* On 23 October 1845/48, the Report of the now renamed Committee on Bills to enable the Savings’ Banks to grant certain Loans, was tabled and ordered to be printed. The Committee observed that both Banks “are in a very healthy condition, and the only drawback to their continued prosperity appears to be the want of additional means of investing their funds, at interest, beyond those which the present state of the law permits”. The Committee noted that the Savings’ Banks had been set up in 1832 for the benefit of small depositors, and the maximum allowable deposit had been then fixed at £100; the majority of present deposits was of that order, and that it would be helpful to the Savings’ Banks “if the maximum amount of deposit on which interest

shall be allowed be reduced from £200, as at present fixed, to £100". The Committee made this its first recommendation. Second, having noted that the law provided that the Judges could order the deposit of monies belonging to intestate estates in the Savings' Banks, the Committee recommended that no interest be paid in such monies "until the rate paid to other depositors exceed five per cent per annum". The Committee recommended that £6,000 should be lent from the Savings' Bank of New South Wales to the Corporation of Sydney, and that £4,000 should be lent from the Savings' Bank of Port Phillip to the Melbourne Corporation; but no money should be lent, as had been proposed in Robinson's Bill, to the Mechanics Institute in Melbourne. A fifth recommendation was that "the proportion to be lent on mortgages be increased from one-third to one-half the amount of deposits. The provisions of the current Act 7 Vic no. 6 allowing the investment of the funds of the Savings' Bank in English funds (which were currently paying about 3% while the local rate was of the order of 6%) should, in the opinion of the committee, be repealed. Finally, "the necessary measures be adopted to authorise the issue of Debentures, for investment of the funds of the Savings' Banks to the extent of £50,000, the proceeds being laid out in the prosecution of public works". On 5 November 1845/56 the Council, sitting as a Committee of the Whole, considered the recommendations of the Committee. The Bill was *passed* on the third reading on 6 November 1845/57. The Governor gave Royal assent to the amended Bill in the next Session on 12 June 1846/19.

## First Session of 1846

### 1846 (1)/1 COMMITTEE TO PREPARE AN ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH OPENING THE FIRST SESSION OF 1846

*Background* It was the usual practice for the Governor (no longer a member of the Legislative Council) to attend the first meeting of the Council in each session, to deliver a speech referring to the current and expected state of affairs in the Colony, and to foreshadow proposed legislation. Custom demanded that the Council prepare and forward a formal reply: the draft reply was usually prepared by a Committee appointed for that purpose.

*Members of the Committee* George Allen; William Charles Wentworth; The Colonial Secretary (Edward Deas Thomson); Charles Cowper; John Bayley Darvall; Charles Nicholson.

*Report of the Committee* As will be expected, the proposed Address in Reply was broadly supportive of the Governor's speech. The draft was approved by the Council on 13 May 1845/2 and formally presented to the Governor in person by the whole Council on 15 May 1846.

### 1846(1)/8 COMMITTEE ON ROADS AND BRIDGES

*Background* The condition of the roads and bridges in the Colony, and how to pay for their construction and repair, had been of concern from the early days of the Colony. In particular reference should be made to 8 William IV no 11 *An Act to making, altering, and improving the roads throughout the Colony of New South Wales, and for opening and improving the streets in the towns thereof* (28 August 1833); and also to 5 & 6 Vic c h 76 *An Act for the Government of New South Wales and Van Diemen's Land* (30 July 1842) which provided for the establishment of District Councils with power to levy rates. For an earlier Committee relating to a dispute about the appropriation of funds under the Roads Act *see above* 5 September 1845 /21. That Committee in its Report said that it "had prepared a Bill...". William Charles Wentworth had chaired the Committee. On 22 May 1846/8 Wentworth, supported by Francis Lord, proposed that a Committee "be appointed to inquire into and Report upon the state of the public Roads and Bridges, and the best mode of putting and keeping them in repair---with an instruction to Report within two months".

*Members of the 1846 Committee* William Charles Wentworth; Francis Lord; Charles Cowper; Henry Dangar; Terence Aubrey Murray; William Dumaresq; Maurice Charles O'Connell.

*Members of the 1847 Committee* All the members of the 1845 Committee were re-appointed.

*Witnesses examined by the Committee* Those examined in June 1846 were Robert Johnson Barton (of Wellington); Samuel Augustus Perry (Deputy Surveyor General); William Macarthur (of Camden); Hugh R Labatt (surveyor, in charge of "superintending some of the public roads in the County of Cumberland"); Henry Scope (an engineer with a

knowledge of roads and bridges); James Byrnes (a District Councillor of Parramatta). For the names of those who replied to a circular letter *see below*.

*Report of the Committee* The Committee did not in fact report “within two months”. The last sitting day of the First Session of 1846 was 12 June 1846(1)19; the notice paper for the next sitting was for 21 July 1846 but the Council did not sit on that day, probably because the retiring (and seriously ill) Governor Gipps had sailed for England on 1 July 1846. His successor, Sir Charles Augustus Fitzroy, arrived on 2 August 1846, and opened the new Session on 8 September 1846(2)/1. The Committee, however, had not been idle: in early June 1846 it took evidence from a number of witnesses (*for their names see above*). On 27 October 1846 (2)/29, on the motion of W C Wentworth, the Council resolved that the Minutes of Evidence be printed, together with the replies to a circular letter sent to “Gentlemen, residing at a distance from Sydney”. The circular letter asked for information on the roads and bridges most out of repair; what if anything had been done by Government or private individuals to rectify the situation; the best mode of putting them into “passable repair”; and the possibility of raising some of the costs by Tolls “without being considered oppressive”. Replies were received from John Buckland (of Narellan Grange); John Hurley (of Campbelltown); R Blackwell (of Picton); Robert Fitzgerald (of Windsor); Alfred Kennerley (of Bringelly); Thomas Holt (of Liverpool); Captain John Edward Newell (Assistant Engineer commanding The Stockade, Penrith); Charles Throsby (of Berrima); James Bowman (of Singleton); George Yeomans (of Maitland); Thomas Kerr (of Muswellbrook); D C F Scott (of Muswellbrook); John Gill (of Murrurundi); Patrick Hill (of Parramatta); J B Richards (of Bathurst); Edward Charles Close (of Morpeth); James Fitzgerald Murray (of Queanbeyan); Joseph Docker (of Scone); Mathew M’Alister (of Picton); John M’Donald (of Pitt Town); Andrew Murray (of Bathurst); Charles Campbell (of Queanbeyan); James Caulfield (of Hartley). The Committee was re-appointed on 18 May 1847/7. This Committee, still with W C Wentworth as chairman, reported on 14 September 1847/72 and the Report was printed. The Committee considered “that the primary question they have to decide is, from what source the main Roads of the Colony ought to be made and upheld---whether from local or general taxation.” The Committee observed that although the (Imperial) Constitutional Act 5 and 6 Vic ch 76 appeared to provide that the District Councils should be responsible for any main roads within their districts, “the powers meant to be conferred on them were evidently so unsuited to the circumstances of the Colony...were, for the most part, so utterly impossible of execution...that by a sort of tacit consent, as well on the part of the District Councils themselves, as of the Executive Government, they have never for an instant been in full operation...” The conclusion of the Committee was that a principle which applied in fully occupied countries, that the construction and maintenance of main roads should be defrayed by local assessment “might be defensible. Inasmuch as main lines of communication pervade every part of those countries, and all their inhabitants consequently would...be pretty equally rateable for such a purpose. But this is not, and cannot be the case here for a very long period. A small portion only of this Colony...contains any approximation even to regular and formed lines of road. Such lines, indeed, may be said only to exist a short distance beyond the County of Cumberland...The effect therefore of compelling Cumberland and the other counties...out of their local funds, to construct roads for the general convenience of the whole Colony, roads over which all the traffic from the squatting districts for hundreds of miles would pass...Your Committee, therefore, cannot resist the conclusion that the main or general lines of road should, in the first instance be made at the expense of the whole public; that they should afterwards be upheld by tolls levied upon those only who use them; that these tolls should be of an amount fully adequate, at

the least, to their due reparation and maintenance; and that, in the case of the formation of entirely new lines of road, the tolls should be sufficient, not only for these ends, but for the ultimate reimbursement of the original outlay...The main, or general lines of road, which should thus be maintained by the General Revenue, are the following: (1) The line of road from Sydney to Melbourne. (2) From Sydney to Wellington. (3) From Morpeth to the boundary of location on the Liverpool Range, above Murrurundi. (4) From Brisbane to Darling Downs. (5) All the branches of public road running off from these main trunks.” The Committee then went on to discuss the ways in which the main roads should be administered; although with evident doubts, it suggested a three year trial of local road trusts. On 21 September 1847/76 Wentworth *introduced A Bill for putting and keeping in repair certain public roads or highways in the Colony of New South Wales, and for constructing the necessary bridges and other means of communication required for the same for 1848*. In respect of Item 49 (of 109) in the Estimates was “resolved, that a sum not exceeding £5,000, be appropriated to defray the expenses of constructing, upholding, and repairing the Public Roads, Bridges and Ferries in the County of Cumberland, on which Tolls have been established, for the year 1848;” and Item 50 was “resolved, that a sum not exceeding £4,000, be appropriated to defray the expenses of making and repairing Public Roads and Bridges on which Tolls are not collected, for the year 1848” This presumably went some way towards meeting the concerns of the Select Committee. On 22 March 1848/2 the Governor by Message proposed “*A Bill to provide for the improvement of certain Roads in the neighbourhood of the City of Sydney*. They were all toll roads and were the principal roads in what is now the Eastern Suburbs of Sydney. The Bill was read a first time on 29 March 1848/4; the second reading was on 5 April 1848/7, was further considered by the Council in Committee on 4 May 1848/20 and again on 11 May 1848/24, and was *passed* on 18 May 1848/28. The Royal Assent to the Bill by the Governor was reported on 15 June 1848.

## Second Session of 1846

### 1846(2)/5 COMMITTEE ON THE DIVISION OF THE LEGAL PROFESSION

*For the reappointment of this Committee see below 1847/7*

*Background* It was scarcely surprising that a new British Colony would continue the practice of having solicitors and barristers as two separate and distinct professions as was the case in England, but in fact the shortage of men with legal training in the earliest years led to this distinction not being made until the legal profession was divided into Attorneys and Barristers on 31 October 1834. Nevertheless, by the mid-1840s there was a body of opinion in New South Wales that the interests of the public still might be better served if all lawyers had equal access to the Courts. This might alleviate a shortage of legal practitioners, exacerbated by the necessity of lawyers having to study and qualify in England, since no educational facilities existed in New South Wales, and it might also reduce the cost of legal proceedings to the public. On 15 September 1846/5, on the motion of Edward Jones Brewster, the Council approved the introduction of *A Bill to abolish the division of the Profession of Law in New South Wales*; the second reading of the Bill was set down for 25 September 1846/12 but on 24 September after considerable debate and on the motion of William Charles Wentworth, and following a request that John Gordon and Edward Broadhurst, Barristers at Law be heard at the Bar of the House, the Council resolved that a Committee be appointed “to inquire into and report upon the best means of reducing the expenses of the Law in all its branches; and in the event of their Report being against the amalgamation of the Profession...it be a further instruction...to inquire into and report upon the best mode of providing for the admission to youth educated in the Colony, to practise as advocates in the different Courts of the Colony”. The considerable opposition to the proposed Bill continued. On 29 September 1846 John Bayley Darvall presented a Petition from the Solicitor General, William Montagu Manning, and Arthur T Holroyd, Barrister at Law, against the passing of the Bill into Law. On 30 September 1846 (2)/14 John Fitzgerald Leslie Foster presented a Petition “from certain Attorneys, Solicitors, and Proctors of the Supreme Court of New South Wales, for the District of Port Phillip, praying the Council not to pass any Bill having for its object the amalgamation of the two branches of the legal profession; or that, if any such Bill be passed, the District of Port Phillip may be exempted from the operation thereof”. On 6 October 1846 (2)/17, the Attorney General (John Hubert Plunkett) presented a similar Petition from the members of the Port Phillip Bar against the proposed amalgamation or at least its operation within the Port Phillip District. In the face of such opposition to the Bill, on 7 October 1846 (2)/18 on the motion of the Colonial Secretary on behalf of the Attorney General, this latter Petition was referred to the Select Committee on the Bill. The second reading of the Bill was postponed “until the day following the day of the presentation of the Report from the Select Committee”. On 30 October 1846/30 Wentworth brought up a progress report, pointing out that “because of the lateness and shortness of the Session, and the pressure of other indispensable business” the Committee had only been able to examine “two material witnesses and have made some progress in the examination of a third witness”. He suggested that if the Committee be reappointed in the following (1847) Session, it would produce a full report. The Committee was reappointed, with the same membership, on 18 May 1847/7. On 21 September 1847/76 Mr Wentworth introduced *A Bill to enable practising Attorneys and other persons, under certain limitations, to be called to the Bar*

*of the Supreme Court of this Colony; and also to give to Barristers of that Court the option of being disbarred and practising as Attorneys*, and two days later on 23 September 1847/78 brought up the Report of the Committee.

*Members of the Committee* William Charles Wentworth; Terence Aubrey Murray; Richard Windeyer; The Attorney General (John Hubert Plunkett); John Bayley Darvall; Charles Cowper; John Lamb; Joseph Phelps Robinson; The Colonial Secretary (Edward Deas Thomson); Robert Lowe.

*Witnesses examined by the Committee* [In September and October 1846] John Gurner (former Chief Clerk or Registrar of the Supreme Court from 1816 to 1841); Samuel Frederick Milford, Master in Equity of the Supreme Court; Randolph John Want, Attorney, Solicitor and Proctor of the Supreme Court. [In May, June, July and August 1847] Robert Johnson, Solicitor; Randolph John Want (further examination); James Martin, Solicitor, Attorney and Proctor of the Supreme Court; Ross Donnelly, Barrister, principally practising in Equity; Sir Alfred Stephen, Chief Justice; James Norton, Solicitor; Archbald Michie, Barrister; The Hon J N Dickinson, Senior Puisne Judge of the Supreme Court.

*Report of the Committee* On 30 October 1846 (2) /30 Wentworth as chairman presented an interim Report which together with the Evidence of John Gurner, former Chief Clerk in the Supreme Court, and of Samuel Frederick Milford, Master in Equity at the Supreme Court, were ordered to be printed. The chairman stated that “the late period and shortness of the Session, and the pressure of other indispensable business, has precluded the possibility of the bringing the labors of the Committee to a conclusion”, but assured the Council that if the Committee was reappointed in the next Session, it would bring up the full Report. The Committee was reappointed with the same membership on 18 May 1847/7, and its full Report was tabled on 23 September 1847/78. The Committee, on the whole, strongly supported by the evidence of witnesses, was of the opinion that the proposed amalgamation of barristers and attorneys would not result in lower legal costs to the public, and further, that it was likely that it would lead to a diminution of the quality of service. It was the Committee’s view that while amalgamation was not desirable, there were some special instances which should be taken into account: “some impediments are thrown in the way of the due administration of criminal justice, by an insufficient attendance of the Bar on Circuits of the Supreme Court, and at Quarter Sessions; and with a view to remedy this inconvenience, [the Committee recommended] that, in future, Attorneys should be allowed to act in the joint character of Advocates and Attorneys in both these Courts”. The Committee also concluded “that young men, born or educated in the Colony, of competent character and attainments, should be admitted to the Bar of the Supreme Court without being under the necessity of leaving the Colony and studying abroad”; and that it seemed just to give those young men, who not having had an opportunity of being called to the Bar, having become Attorneys as it were from compulsion rather than choice, an option of still joining the “higher branch of the profession”; and that it would be expedient “to give to all practicing Barristers the option of being disbarred, and joining the lower branch of the profession:.

## 1846(2)/6 COMMITTEE ON STEAM COMMUNICATION WITH ENGLAND

*See also* 1848/4

*Background* On 16 September 1846 (2)/6 the Colonial Secretary (Edward Deas Thomson) proposed the appointment of a Committee “to take into consideration the best means of establishing a Steam Communication between this Colony and England, with instructions to take evidence, and report not later than the first of October next”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); Charles Cowper; Joseph Phelps Robinson; Maurice Charles O’Connell; John Lamb; The Collector of Customs (John George Nathaniel Gibbes); William Charles Wentworth; Thomas Icely.

*Report of the Committee* The Committee reported on 27 October 1846 and the Report and Evidence were printed. The question of how faster connection by sea with England could be achieved had already had the consideration of the Council: on 5 September 1845 when it approved an Address to Her Majesty on the subject. To this the reply was that the principal reason why this could not be accomplished was expense; however, the Secretary of State for the Colonies had requested the Postmaster “to consider whether there is any practicable mode, by which the conveyance of Mails between this Country (England) and Australia could be expedited, without imposing an undue burden on Her Majesty’s Revenue.” The Committee realized that only steam ships could provide such a speedy service. The twentieth century historian Frank Broeze commented that “So uncertain was sea travel that commercial letters and bills of exchange were sent in triplicate for security; so lengthy was it that one might wait up a year for a reply to a letter”; the reply to the Council’s address sent in September 1845 was not received in Sydney until September 1846, and its contents seem to have been the reason for the appointment of the Committee. By this time English mail was being conveyed by steamship to India, and to China by way of Singapore, by what was termed ‘The Overland Route’ which went via the Mediterranean to Egypt, thence overland from Suez to Pointe de Galle before continuing to Singapore by ship. The Committee, after taken evidence, reported that there were four main issues to be considered: “First ---The route to be adopted; Second---The expense to be incurred; Third ---The means of providing for that expense; Fourth---General observations.” It was the Committee’s view that the most desirable route for a steamship service to carry mails and passengers to England was from Sydney, and from Van Diemen’s Land, through the Torres Strait to Singapore, where a connection would be made to steamships already engaged on the ‘Overland Route’. The Committee observed that since many ships returned to India in ballast, they could carry cargoes of coal for coaling stations to be established at suitable points in the Torres Strait and the Timor and Java Seas, on the way to Singapore, and that ships of moderate size would be employed, with consequent savings in construction. The Committee “confidently expected that the total annual expense will not exceed £50,000. This expense would be met by a small increase in the charge for the conveyance of letters, and perhaps newspapers, together with a subsidy from Colonial funds of about £500 per month for the first three years, with, it was hoped a contribution from the Imperial Government to make up any shortfall. Finally, the Committee believed that “There can be little doubt that by Steam Communication with Singapore, the average passage from London will not exceed from sixty-five to seventy days”, quoting from a response from the Postmaster General, “From a comparative statement of the average

number of days occupied by private ships and the Post Office Packets in making the passage from London to this port, it appears that the average passage of packet ships has been one hundred and twenty-four days, and of private ships one hundred and twelve days". Furthermore, "Independently of the advantage which this Colony would derive from the measure, its benefit would be felt in a nearly equal degree by the neighbouring Colonies of Van Diemen' Land and South Australia, with which there is a constant communication, to the former by steam, and to the latter by sailing vessels. With respect to the District of Port Phillip, there being a post overland twice a week, the plan proposed would secure for it the full benefit of the arrangement".

#### **1846 (2)/9 COMMITTEE ON THE COMMERCIAL BANK AMENDMENT BILL**

*Background* Many of the private banks in the Colony had found it necessary to obtain Government approval of laws which enabled them to sue or be sued. As was the case with all private bills, a member of the Council had to sponsor such a Bill. Accordingly, Robert Lowe introduced, on 22 September 1846 (2)/9, a *Bill...to amend an Act to enable the proprietors of a certain Banking Establishment or Company, carried on in the Town of Sydney, in the Colony of New South Wales, under the style and firm of 'The Commercial Banking Company of Sydney', to sue and be sued in the names of the Managing Director of the said Bank or Company, for the time being, and for other purposes therein mentioned.* The Bank had already received such an Act on 21 July 1835/16. It is unclear why a second Bill was required, but it was referred to a Committee for examination and report.

*Members of the Committee* William Henry Suttor; Robert Lowe; Charles Cowper; John Bayley Darvall; John Lamb; Edward Jones Brewster.

*Report of the Committee* The Committee reported on 2 October 1846 (2)/16 that the Bill needed no amendment, and after consideration by the Council in Committee it was passed.

#### **1846 (2)/ 13 THE REVD H H BOBART'S MOLONG LANDS BILL**

*Background* On 25 September 1846 (2)/12 William Henry Suttor had presented a Petition from the Reverend Henry Hodgkinson Bobart, of Parramatta, in the Colony of New South Wales, and his wife Elizabeth Mary, together with Francis Watkins, merchant and Patrick Hill, both also of Parramatta: The purpose of the Petition was to explain objects of a Bill which by which they intended to seek the approval of the Council for Mr and Mrs Bobart to grant leases of part of their property on the Molong River. On 29 September 1846 (2)/13 Suttor introduced *A Bill to enable the Reverend Henry Hodgkinson Bobart, and Elizabeth Mary, his wife, and their Trustees, to grant Leases of Lands, on the Molong River, in the County of Wellington.* The Bill was read a first time, and referred to a Committee for consideration.

*Members of the Committee* William Henry Suttor; Robert Lowe; Richard Windeyer; William Charles Wentworth; Francis Lord.

*Report of the Committee* The Report of the Committee was tabled on 6 October 1846 (2)/17. The Bill had its second reading on 9 October 1846 (2)/20 and was considered by

the Council in Committee, and after further consideration on 13 October 1846 (2)/ 21 and again on 16 October 1846 (2)/24, was *passed*.

### **1846 (2)/13      COMMITTEE ON THE PETITION OF THOMAS HYACINTH MCQUOID**

*Background* Thomas McQuoid was appointed Sheriff of the Colony of New South Wales in 1828 and arrived in Sydney in January 1829. His duties included executing all the judgments, decrees and orders of the Supreme Court; attendance at all sittings of the Court; the management of prisoners before and during trials; the issue of summonses (from his arrival in January to the end of February in the same year, over 700 summonses had to be served); and moneys levied in pursuance of writs. A despatch from Governor Sir George Gipps to the Secretary of State for the Colonies observed that “the Sheriff was not required to pay any money into Court before the Return day; it followed that he frequently had (as at the time of his death), monies belonging to suitors in his hands...” It has sometimes been suggested that McQuoid may have been careless in the handling of other people’s money, but this may be unlikely. However, in his own personal life he was constantly in financial difficulties, and on 12 October 1841, fearing the shame of bankruptcy, committed suicide. The monies belonging to the Crown were easily recovered, but the sum of about £2,400 belonging to suitors (all of whom were reported to be legal practitioners in the Supreme Court) were not available. McQuoid’s son Thomas Hyacinth McQuoid (always known as Hya) undertook to acquit his father’s debts. He proposed assigning to the Government the first mortgage on the property Waniassa which he had inherited from his father, if the Government would pay the money owing to the suitors, with Macquoid undertaking to repay this amount when he was able: he petitioned the Council accordingly. The Petition was presented by Charles Cowper on 8 September 1846 (2)/1 and on the following day was ordered to be printed: it does not appear in the bound volume used by the present writer, but the intent is clear from the Report and Evidence which were printed. The Council, on 29 September 1846 (2)/13, appointed a Committee to investigate the proposal.

*Members of the Committee* Charles Cowper; Richard Windeyer; Joseph Phelps Robinson; Terence Aubrey Murray; The Colonial Treasurer (Campbell Drummond Riddell); John Lamb; Maurice Charles O’Connell.

*Report of the Committee* The Committee reported on 13 October 1846 (2)/21. On the motion of Charles Cowper, on 16 October 1846 (2)/24, the Council resolved that “a copy of the Report of the Select Committee appointed to enquire into the allegations contained in the Petition of Mr T H Macquoid [be sent to the Governor] and praying that His Excellency will be pleased to carry into effect their recommendation that the claims of the suitors in the Supreme Court against the late Sheriff, amounting to £2,792 10s 3d, [should be paid by the Government, and take the bond of Mr T H Macquoid for the repayment of the amount] under the conditions stated by the Committee, and upon Mr T H Macquoid giving the security suggested in their Report”. The Governor agreed by Message on 21 October 1846 (2)/ 26 that the required sum of money be placed on the Estimates, provided the appropriated security was provided. Nevertheless by a further Message received by the Council on 29 June 1847/28 the Governor stated that the Law Officers had advised that since “it does not appear that Mr Macquoid is in a positio to offer any legal security for the proposed advance, and under these circumstances, His Excellency regrets that he cannot consent to place the amount on the

Estimates”. The matter seems to have lapsed at this point, but in her book *Macquoid of Waniassa: portrait of a colonial sheriff*, (Waniassa Publications , 2006) Rebecca Lamb notes that T H Macquoid’s friend Alfred Stephen, the Chief Justice, in September 1847 negotiated a settlement with the creditors of one shilling and sixpence in the pound. She comments that “Hya had acted responsibly in the management of his father’s real and personal estate with a view to a reduction of the various encumbrances accrued by the time of his father’s demise”.

## **1846 (2)/16 COMMITTEE ON THE MAITLAND DISTRICT HOSPITAL**

*Background* On 1 October 184 (2)/15 [Richard Windeyer “presented a Petition from certain inhabitants of the Town and District of Maitland, praying the Council to enquire why the District Hospital of Maitland is to be deprived of participation in the funds to which Petitioners are contributors; and also that the Council will take such steps as to them may seem meet, to induce... the Governor to continue the provision for such support which was promised by...[his] predecessor”. On the following day 1846 (2)/16, on the motion of Mr Windeyer, the Council appointed a Committee to investigate and report.

*Members of the Committee* Richard Windeyer; Henry Dangar; William Dumaresq; Robert Lowe; George Allen; William Bowman; The Attorney General (John Hubert Plunkett).

*Report of the Committee* The Committee tabled its Report on 8 October 1846 (2)/19 and on 9 October 1846 (2)/20, on the motion of Windeyer, the Council resolved to Address the Governor in the following terms: "...to request... [the Governor] to place upon the Estimates the same sums that were voted by the Council last year, for the Maitland Hospital, with the understanding that the Government will exercise its discretion in staying the appropriation of the money, as far as may be consistent with public faith, and the principles upon which public money should be granted to such establishments—in accordance with the recommendation of the Select Committee... a printed copy of whose Report accompanies this Address”. In its Report the Committee had noted that “They find that disputes have arisen respecting the management of the Maitland Hospital, which your Committee regret have occasioned a great amount of ill feeling between the Roman Catholic and Protestant portions of the community on the River Hunter—disputes into which it would be impossible for your Committee to make any satisfactory inquiry within the time limited by the House for receiving its Report. Your Committee may also add, as a further ground for the conclusions they have arrived at, that they have reason to believe a public inquiry, such as they would be compelled to institute, would be far from having the immediate effect they would desire. They cannot contemplate, without uneasiness, the possibility of the sick now being relieved by the Maitland Hospital, being cast into the streets through any want of assistance which the Government might consider, by a change of circumstances hereafter to afford that institution...” The Report noted the recommendation proposed in the Address to the Governor, “that it would be inadvisable to enter into the merits of the quarrel, the only practical question being, in their opinion, whether the Hospital is governed by rules which offer equal advantages to all denominations”. The Governor concurred with the recommendations by Message on 15 October 1846 (2)/23.

## 1846 (2)/21 COMMITTEE ON RENEWAL OF TRANSPORTATION

*Background* In a Despatch to the newly appointed Governor Charles Fitzroy dated 30 April 1846, which he caused to be tabled in the Council by the Colonial Secretary on 7 October 1846 (2)/18, the Secretary of State for the Colonies (W E Gladstone) set out the Imperial Government's view on the possible reintroduction of convict transportation to New South Wales. Transportation of convicts to New South Wales had officially ended in May 1840, with the last arriving in Sydney in 1841. Many people in the Colony welcomed the cessation of convict arrivals, although the politically powerful squatters strongly opposed the ensuing lack of cheap convict labour. The British Government, however, still needed repositories for criminals, at least until more penitentiaries in Britain had been built, and Gladstone's Despatch left Governor Fitzroy with a possible option of a limited continuance of the arrival of convict labour for specified purposes. By referring the Despatch to the Legislative Council the Governor probably wished to see how the Council would react. On 13 October 1846 (2)/21, on the motion of William Charles Wentworth, the Council appointed a Committee to enquire into and report on Gladstone's Despatch.

*Members of the Committee* William Charles Wentworth; Henry Dangar; Hannibal Hawkins Macarthur; The Colonial Secretary (Edward Deas Thomson); Richard Windeyer; Joseph Phelps Robinson; William Bland; Robert Lowe; John Fitzgerald Leslie Foster; Maurice O'Connell.

*Report of the Committee* The Report was tabled on 31 October (2)/31 and was ordered to be printed; but as the Council was prorogued by the Governor, and adjourned for lack of quorum, any consideration of the Report was of necessity delayed until the following (1847) Session. The Committee had noted that while Gladstone's Despatch had said that it was "the intention of Her Majesty's Government to respect the general sense of the Colonists, in their deliberations on this important subject", the Despatch went on to say that "it will be acceptable...if the Members of the Legislative Council...shew a disposition to concur in the opinion that a modified and carefully regulated introduction of convict labourers into New South Wales, or into some part of it, may, under the present circumstances, be advisable". The Committee was concerned about the implications: "It seems clear then that this Despatch, taken all together, amounts to an unequivocal declaration, not only that convicts will be sent to any part of the Colony which may be disposed to receive them" (a reference to the wishes of some of the Port Phillip settlers to continue to receive convict labour), "but that they will also be sent, whether the Colony or any portion of it incline to their reception or not, if the concurrence of your Honorable House [i.e., the Legislative Council] can be obtained...which may be arrived at by a mere motion, without any enquiry at all". The Committee went on to express its view that if "the state of public feeling among their fellow colonists at large...of the proposed renewal of transportation were any longer practically and substantially an open question; if it rested with the colonists themselves to decide whether the deportation of convicts to this hemisphere should cease, or continue—doubtless a large majority, especially of the operative classes, would give the propose...an unhesitating veto." The Committee also believed, referring to the 1844 General Grievances Committee, that it was likely that a majority of "the upper and middle classes of society"...would wish to be free of "the moral and social influences of the convict system—the contamination and vice which are inseparable from it". However, it appeared that transportation was no longer an open question, since the

Despatch “assumes that transportation is still to go on in Van Diemen’s Land and the other penal establishments formed in these seas---seeing moreover, that a new penal establishment is immediately to be formed on the very northern boundary of the Colony [in Moreton Bay]...that this Colony already inundated on the south with the outpourings of the probation system in Van Diemen’s Land, the most demoralizing that was ever invented, is soon to have poured into it from the north, the exiles from the penitentiaries of the Mother Country, as well as the exiles from that Colony...your Committee have been driven to the conclusion that the only safe alternative left to the Colony is to accede to the proposition that a modified and carefully regulated introduction of convict labourers into New South Wales, or into some part of it, may, under the present circumstances, be advisable.” The Committee, therefore, recommended a renewal of transportation, on conditions which it laid down, “and upon no other”. These conditions were as follows: (1) That no alteration shall be made to the Constitutional Act 5 & 6 Vic (the ‘New South Wales Act’) except with a view to the extension of the elective principle; (2) that the transportation of male convicts be accompanied—as a simultaneous measure—with the importation of an equal number of females, to exist of female convicts as far as they exist, and the balance to be made up of female immigrants; (3) That as a further simultaneous measure, such transportation to be accompanied with an equal importation of free immigrants, as nearly as possible, in equal proportion as to sexes; (4) That the wives and families of all convicts receiving permanent or temporary indulgences, should be brought out, and count as part of this free immigration; (5) That no fewer than five thousand male convicts be annually deported to this Colony; (6) That the convict establishments properly so called, such as Norfolk Island, Cockatoo Island, ironed or road gangs of criminals under Colonial sentence, &c., &c., be maintained as heretofore at the cost of the British Treasury; (7) That two-thirds of the expense of police, gaols, and the criminal administration of justice, be paid by the Home Government, but that on the relinquishment of the land fund, and all other revenues or droits of the Crown to the appropriation of the Governor and Legislative Council, the whole of this branch of convict expenditure be assumed by the Colony, with a view to aid the British Government in defraying the cost of the free immigration stipulated for in the second and third conditions; (8) That in order to insure due permanency and efficiency in the regulations to be provided for the government and discipline of convicts, the sole power of making such regulations be vested in the Governor and Legislative Council saving entire the Royal prerogative of mercy. The description of convicts, in the opinion of your Committee, the Colony should agree to receive from the Mother Country, on the above conditions, are (1) Young delinquents who committed first offences after little or no probation; (2) Convicts who have committed graver offences, after a probation considered adequate to the crime; the probation meant being probation under the separate system; (3) Convicts at the commencement of their sentences, who have committed various crimes (4) If any convicts be received from Van Diemen’s Land, convicts with tickets of leave.” The Report continued...”Your Committee in allusion to the general distrust and alarm which pervade the operative classes at the prospect of renewed transportation, feel the amount of convict labour [which] may be imported and dispersed in our vast interior, cannot but re-act beneficially on our artizans in towns, on our agriculture, and the other branches of internal industry in which our free population are, for the most part, employed...” The Committee then gave their idea of the proposed cost of its proposals, which it said “makes the total cost, per head, to the Home Government, attending our proposal, the cost of transportation included, something short of £31 per head”. It said that this would save the Home Government this kind of amount in relation to the cost of British gaols, “which would go far towards the extinction of the [British] national debt, or enable Britain to organise a

grand system of national education and immigration, that would ultimately reduce to a mere nominal amount the crime and pauperism, which are now the plague-spots of her system, and the main cause of the intestine turbulence and disorders with which she is troubled". Whether this would have impressed the British Government is unknown, since in the long run the Council did not act on the Report of its Committee. It is scarcely surprising that public feeling that the cessation of convict transportation which had ceased, to general approbation, in 1841, would be resumed whether the Colony liked it or not, gave rise to various petitions which arrived for the consideration of the Council. For instance, on 5 May 1847/2 William Bland presented "a Petition from certain Landholders and other residents in the district of Berrima, expressing their hope that no exertion will be wanting in obtaining the effectuation of the suggestions contained in Mr Gladstone's Despatch, and of the plans developed in the Report of the Select Committee...in reference to the renewed application to New South Wales of the Systems of Transportation and Assignment", but on 18 May 1847/7 Charles Cowper "presented a Petition from certain inhabitants of the Town and District of Geelong, against the Renewal of Transportation to New South Wales", and on 25 May 1847/8 "William Bowman presented a Petition from certain Clergy, Magistrates, Landed Proprietors, Stockholders, Graziers, Agriculturalists, and other Inhabitants of the Towns of Windsor, Richmond, Wilberforce, Pitt Town, and the surrounding Districts, against the renewal of transportation to New South Wales". The Council, however, took its time to consider the question of the renewal of transportation. It was not until 14 September 1847 (72) that Cowper moved (1) "That this Council disapproves of the principles avowed, and recommendations contained in the Report of the Select Committee appointed on the 13<sup>th</sup> October 1846, to enquire into and report upon the Despatch...of the Secretary of State for the Colonies to Governor Sir Charles Fitz Roy, dated 30 April 1846, respecting the renewal of Transportation to this Colony; and desires to record the expression of its opinion, that a return to the system of Transportation and Assignment would be opposed to the wishes of this Community, and would also be most injurious to the moral, social, and political advancement of the Colony; and (2) That an Address be presented to...the Governor, transmitting a Copy of the above Resolution, and respectfully requesting [that it be forwarded to] the Secretary of State for the Colonies for the information of Her Majesty's Government". Both Motions were carried (Ayes 11, Noes 7). On the following day, 15 September 1847/73, the Council read for the first time a Bill which had been proposed by the Governor on 8 September 1847/69, being *A Bill to provide for the substitution of other punishments in lieu of transportation beyond the seas*. After debate on several sitting days, the Bill was *passed* on 29 September 1847/81 and sent on to the Governor for Royal Assent. This was given on 1847/84. However, Governor Fitz Roy, in his speech opening the 1848 Session, on 21 March 1848/1 said "Connected with the supply of labor to the Colony, I will also cause to be laid before you, A Despatch from...Earl Grey, setting forth the terms on which Her Majesty's Government will be disposed to send out exiles and Ticket of Leave Holders, to be subsequently followed by their wives and families, and by a number of free Emigrants equal to the number of such Exiles and Ticket of Leave holders, at the expense of the British Treasury". This met with the approval of the Council, with some reservations. On the motion of William Charles Wentworth, the Council, on 7 April 1848/8, approved resolutions which signified that it would cooperate with the Home Government, with the proviso that "as a point of the greatest importance to the complete success of the measure, that the wives and families of the Exiles should accompany, rather than follow them; so that the evils arising from large aggregations of males in the narrow compass of a vessel, and almost necessarily in a state of idleness, may be avoided, and the beneficial tendencies of the first stage of their probationary career on their arrival in the Colony, may not be needlessly

endangered by a severance of domestic ties, no longer necessary for purposes of punishment. ..due care should be taken to maintain, as far as possible, an equality of the sexes, so as to prevent a recurrence of those social evils which are allowed on all hands to have been the worst feature of the late system of transportation” The Council added that the same principle should be applied to the Exiles already sent to Port Phillip. The resolution was presented to the Governor, who transmitted it to Earl Grey the following day. The Home Government, however, found that it did not have the money to assist with the passage of free immigrants at that time, and Earl Grey wrote to Fitz Roy to the effect that he would send out convicts without free immigrants while awaiting further advice from New South Wales. A shipload was being sent out in the Hashemy which arrived in Sydney on 8 June 1849. Most of the convicts by this ship obtained employment, but the situation had improved and there was strong feeling against Earl Grey’s “breach of faith”, and at the taint of convictism being revived. On 1 June 1849/9, on the motion of Wentworth, the Council submitted to the Governor for transmission to London a resolution, saying “this Council, having maturely considered the Despatch from the Secretary of State for the Colonies...declines to accede to the proposal therein contained for the renewal of Transportation to this Colony, and strongly protests against the adoption of any measure by which the Colony would be degraded into a Penal Settlement...” Public meetings in Sydney on 8 June 1849, and also in Melbourne, passed Resolutions objecting to the renewal of transportation, while various Petitions against the renewal of transportation had been received by the Council. Governor Fitz Roy duly reported this to London, recommending that no more convicts be sent. Five ships had already sailed, and all prisoners found work somewhere in the Colony, but the public sentiment was abundantly clear: convicts were no longer welcome in New South Wales.

## *Session of 1847*

### **1847/1 COMMITTEE ON ADDRESS IN REPLY TO GOVERNOR'S SPEECH AT THE OPENING OF THE 1847 SESSION**

*Background* At the commencement of the new Session, it was the practice for the Governor to deliver a speech in which the state of the Colony's finances and other significant matters were referred to, and proposed legislation foreshadowed. The Council had been called together earlier than usual. The Governor observed in his speech on 4 May 1847/1 that "The great abundance, remarkable cheapness, and excellent quality of all the necessaries of life, which now prevail, are not, I believe, surpassed in any other country...the Revenue is in a flourishing condition...the amount already at the credit of the Crown Revenue will enable the Government to pay off...the whole of the outstanding debentures, amounting to nearly £100,000...I have strongly recommended to Her Majesty's Government the immediate resumption of Immigration to the extent of 5,000 statute adults...[attention needed to be given to] devising some efficient means of putting into a proper state of repair, [the main roads]...Her Majesty's Government [has decided]...to surrender to the Legislature of the Colony, the right of appropriation of the Casual Revenue of the Crown..." As was normal practice, a Committee was appointed to draft an Address in Reply, and this draft is printed in the record of the day's proceedings.

*Members of the Committee* Charles Cowper; John Fitzgerald Leslie Foster; The Colonial Secretary (Edward Deas Thomson); Terence Aubrey Murray; Henry Watson Parker; John Lamb.

*Report of the Committee* The Council approved the Address in Reply on 6 May 1847/3 and presented it to the Governor on that day.

### **1847/2 LIBRARY COMMITTEE**

On 5 May 1847/2 the Council resolved to re-appoint the Library Committee.

*Members of the Committee* Charles Nicholson (Speaker); Edward Deas Thomson (Colonial Secretary); John George Nathaniel Gibbes (Collector of Customs); Charles Cowper; Henry Watson Parker; Robert Lowe.

### **1847/4 STANDING ORDERS COMMITTEE**

On 11 May 1847/4 the Council resolved to re-appoint the Standing Orders Committee.

*Members of the Committee* Charles Nicholson (Speaker); Alexander M'Leay; Charles Cowper; Edward Deas Thomson (Colonial Secretary); John Hubert Plunkett (Attorney General); Richard Windeyer.

*See also* 1839/8

*Background* Both the effectiveness of the Colony's Police Force, and especially the resentment of colonists at having to pay the costs of the Police from Colonial Revenue when it was widely believed that most offending criminals were in the Colony because the British Government had transported them to New South Wales, were of concern. Following the tabling of the Report of the 1839/8 Committee on Police and Gaols, the Council had resolved that "...one half...of the expence...[of maintaining the Police and Gaols]...ought to be borne by the British Treasury." These brave words produced nothing but a negative reaction in England, and by 1847 there had been no change in the situation. It would appear, from a substantial number of Petitions presented to the Council from various country Districts, that there was widespread desire for an increase in the appointment of Police Magistrates and associated police in country areas. A number of Legislative Councilors, of course, were country landholders, and they might have privately agreed with the Petitioners. Nevertheless, the Council sensibly decided that further investigation was needed. Accordingly, on 11 May 1847/4 on the motion of Charles Cowper, the Council resolved to appoint a Committee "to enquire into the state of the Police throughout the Colony, with instructions to report what increase or reduction may be necessary in the respective Districts, or what alteration, if any, in the constitution of the Force".

*Members of the Committee* Charles Cowper; Terence Aubrey Murray; Hannibal Hawkins Macarthur; The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; William Dumaesq; John Fitzgerald Leslie Foster; Maurice Charles O'Connell; The Attorney General (John Hubert Plunkett) Thomas Icely.

*Witnesses examined by the Committee* [With a few exceptions, most of the witnesses were Magistrates] Edward Willis, of Geelong; Charles Windeyer, Senior Police Magistrate of Sydney; Captain Joseph Long Innes, a Police Magistrate of Sydney; William Augustus Miles, Commissioner of the Police Force for Sydney; Henry Keck, Governor of Sydney Gaol; *Revd* Thomas B Naylor, resident clergyman at Carcoar; Horace Flower, of Portland; William Rutledge, of Belfast; Gillbert Elliott, Police Magistrate of Parramatta; Major Jaffray Nicholson, Commandant of the Mounted Police; Edward Flood, of Sydney; John Wearin, Inspector of the Sydney Police and Acting Chief Constable [in 1847]; Hutchins Hothersall Browne, Police Magistrate of the Water Police Court; Patrick Plunkett, of Wollongong; Francis Taafe, of the Lachlan District; George Oakes, of Parramatta; James Forrester, of Bulla-Bulla, near Carcoar; George Underwood Alley, of Illawarra; James Macarthur, of Camden; George Robert Nichols, solicitor; Henry Dangar, of Patrick's Plains; Colonel Henry Despard, commanding the 99<sup>th</sup> Regiment; Charles Nicholson; Alick Osborne, of Illawarrs; James Shoobert, of Illawarra; Robert Copland Lethbridge, of Penrith; Matthew Henry Marsh, of Armidale; Alexander Busby, of Cassilis; Henry Kater, of Calcula, between Bathurst and Wellington; John C King, Town Clerk of Melbourne; Oliver Fry, Commissioner of Crown Lands for the Clarence River District; George Hume Barber, of Marulan; John Robertson, of Jerry's Plains; Rowland John Traill, of the New England District; Hugh Wallace, of Braidwood; W H Warland, of Murrurundi; William Hall Palmer, of Bathurst; William Ogilvie, of Merton; John Wild, of Berrima; Edwin Hickey, of the Hunter River; Thomas Tebbutt, of Windsor; James Hales, of Windsor; Lachlan Macalister, of Gipps Land; Adolphus William Young, Sheriff of New South Wales; Edward Hamilton, of Collaroy near Cassilis; John Balfour, of Moreton Bay.

*Report of the Committee* The Committee reported on 10 September 1847/72 and the Report and Evidence were printed. On 22 September 1847/77 .without the Report having had any formal consideration, the Council approved a motion proposed by Charles Cowper, “That an Address be presented to...the Governor, transmitting a copy of the Report...and respectfully requesting [that] His Excellency will be pleased to take into his favorable consideration, the recommendations of the Committee, with a view to their being carried into effect”. The members of the Council had of course had ten days or so to read the Report: perhaps some did, but the real interest of members at that time was the fate of the Report on Immigration which had been tabled on the same day, and they also had to deal with the Budget Estimates before the end of the Session which was expected in a couple of weeks. The Committee had indeed done a great deal of work, even though “your Committee feel persuaded that they have not thoroughly examined into the state and condition of the Police of the Colony; the limited period of a Session being...insufficient for performing that duty satisfactorily...the last Police Committee was appointed in the year 1839, since which period, the circumstances and condition of the Colony have, in many respects, become entirely changed.” Because of this the Committee believed that its work should be continued in the 1848 Session. Forty nine witnesses were examined by the Committee, and sixty five replies were received to a circular letter which asked Benches of Magistrates for answers to forty six questions which the Committee felt might be useful. The Committee observed that “One practical good arising from the present investigation will be, to enable the Government to check, in some measure, the applications for Police Magistrates, Court Houses, Petty Sessions, Watch-houses, and Constables, which our Committee have had ample proof are perpetually being made, and, in some instances, with little, if any, grounds”. The Committee passed a number of resolutions in connection with these applications: few of them were supported. The Committee then went on to consider in some detail key issues of concern. A summary of these follows. *Police Districts*. “It has been a matter of much discussion how far the number of Police Districts [within the limits of location] might be reduced, but...they have resolved not to propose any amendments of the existing arrangement in this respect.” A number of minor boundary changes were, however, suggested. *Police Magistrates* “...your Committee desire to express their opinion, that except under very peculiar circumstances, they do not consider them to be necessary.; it appeared that generally the unpaid magistrates were sufficient to perform these duties. However, there were a few places where the retention of an existing Police Magistrate was necessary: one such was Hartley, which was “a resort of cattle stealers, and also from being in a line of country which may be considered as their thoroughfare”. The Committee added that “notwithstanding [its] strong objections...to making any new Police Magistrates, they have reluctantly arrived at the conclusion that such appointments ought to be made at Carcoar, and Alberton in Gipps Land... under a persuasion that, owing to the absence of a unpaid resident Magistrate...they have not felt at liberty to leave them in their present state of lawlessness. They do not, however, contemplate that Clerks of Petty Sessions will be necessary there when Police Magistrates are appointed”. *Petty Sessions*. The Committee recommended the establishment of Petty Sessions at Marulan, and at Frederick’s Valley in the Bathurst District; but that the authority for a Court at Wingelo be withdrawn. Furthermore, “the holding of Petty Sessions at the private residence of a Magistrate is...most objectionable, except where it is absolutely unavoidable”. *Court Houses, Watch Houses and Escort Station Houses* “Large sums of money having been expended in past years in erecting Court Houses, where they are now found not to be required, from the population having settled in different directions, and in other instances, erecting them upon a scale quite disproportionate as to the wants of the

district your Committee think it desirable to exercise the greatest caution in laying down any principles which they would recommend as a guide to the Council in deciding upon applications for such buildings. As a general rule, it may seem to be a necessary consequence, that wherever Magistrates are duly authorized to hold a Court, a Court House should be provided. Your Committee cannot admit, nevertheless, that such a building ought to be specially erected for the purpose...they prefer the renting of suitable buildings which may generally be obtained on low terms...the only District where a Court House seems to be urgently required, is at Muswellbrook...With regard to Watch Houses, your Committee feel also a similar difficulty, applications having been made for them at Pitt Town, Gresford, Dungog, Hinton, Clarence Town, and Shoalhaven; but Dungog is the only district where such a building ought...to be erected. For Escort Station Houses on the main lines of road throughout the Colony, your Committee strongly recommends the Council to make an adequate provision...between Mudgee and Hartley a distance of ninety miles on a main road, there is not a single resting place or Police Station, and constables have to guard their prisoners in the bush at night". This state of things requires an immediate remedy, and your Committee beg to draw the attention of the Council to the necessity of urging upon the Government the erection of Station Mounted Police. "The very great expense of the Mounted Police induced your Committee to enquire how far, under the altered circumstances of the Colony, it might be desirable to reduce their number." The 1839 Police Committee had suggested that the Mounted Police might be discontinued in the County of Cumberland, but the present Committee did not recommend so large a reduction, but suggested "a different distribution of the detachments of this Corps...[which it believed would] without impairing its efficiency, in some measure diminish the cost of this branch of the Police, during the year 1848. This reduction is proposed to be made upon the principle of having a larger proportion of dismounted Troopers distributed throughout the various stations, and thus reducing the number of Mounted Troopers, and thereby saving the heavy charge for forage, and other expenses of their horses...More than one witness...has spoken of the want of co-operation between this [Mounted] force and the civil power...while there are advantages in the Military character of this force, it is evident that there are some disadvantages; but...until the Civil Police of the Colony is put upon a good system, it will not be possible to do without this [Mounted] Corps." The Committee prepared a detailed plan for the disposition of the Mounted Police in the several Districts. In conclusion the Committee remarked that "They do not consider that any thoroughly efficient system of Police will be introduced until the recommendation of the Police Committees of 1835 and 1839 be carried out, of having an Inspector-General or Superintendent for the Colony, not including Port Phillip...Whether the Colony contains materials for providing a good Police corps admits of a question—and upon this head various opinions are expressed by different witnesses. Your Committee are of opinion that if the Colony is prepared to meet the cost, which after all they hope would not so great as at first sight might appear likely, it would be better to enlist a Constabulary in the Mother Country...Until a system of centralization is commenced, with a force composed of men of good character, and competent, for the proper performance of their duty, there is no hope of having the Police in a satisfactory state".

## 1847/7 COMMITTEE ON IMMIGRATION

*For other Immigration Committees see 1855/*

*Background* It is reasonable to assume that the recommendations of the 1845 Immigration Committee (for which *see above* 1845/13) did not produce the desired results, despite the support of Governor Gipps. However, in 1847 with the advent of a new Governor, Fitz Roy, the Legislative Council seems to have felt a revival of agitation for increased immigration of labourers for the pastoral and agricultural industries was due. On 18 May 1847/7 Charles Cowper moved the appointment of a Committee “to consider and report upon the present demand for labor in the Colony, and the best means of obtaining an adequate supply of the same.” John Fitzgerald Leslie Foster had proposed amendments asking the Committee to enquire into the desirability of importing “Asiatic or South Sea Island labor”, and whether “a tax should be imposed on all employers of labor to raise funds” for immigration, but these amendments were not carried.

*Members of the Committee* Charles Cowper; Hannibal Hawkins Macarthur; The Colonial Secretary (Edward Deas Thomson); Thomas Icelly; The Auditor General (William Lithgow); Terence Aubrey Murray; Richard Windeyer.

*Witnesses examined by the Committee* Alexander F Mollison, of Mount Macedon, Port Phillip, stockholder; Edward Willis, of Geelong, stockholder; Edward Deas Thomson, Colonial Secretary; Francis L S Merewether, Agent for Immigration; James Macarthur; Robert Venour Dulhunty, of the District of Bligh, stockholder; Alexander Campbell, "engaged in introducing immigrants to this Colony"; John Gilchrist, of Sydney, merchant; Captain Charles Lewis Van Zuilecom, of the ship *Princess Royal*.

*Report of the Committee* Charles Cowper, as Chairman, tabled the Report and Evidence on 14 September 1847/72; it was ordered to be printed. The Committee observed that while the whole question of the need for immigration had been explored “frequently, and even recently, the proposition would appear to be undeniable, that on a duly regulated and continued influx of population, by means of Immigration, the prosperity of the Colony depends”. All previous attempts to convince the Home Government had failed: “These representations have either been disregarded, or a system of legislation has been adopted by the Imperial Parliament, by which all the sources for carrying on, hitherto, any extended system, have either been averted or cut off.” In particular, the increase in the upset price of land from 5s to 12s an acre, and then to 1 pound per acre meant that the Land Fund which had been in the order of one million pounds, which in turn had paid for the importation of about 80,000 immigrants, was now of insignificance. In such circumstances the Committee was not hopeful that anything which they could recommend would alter the situation. It noted that the Governor (Fitzroy) had in the previous December recommended to the Secretary of State for the Colonies “the immediate introduction into the Colony of 5000 statute adults; the cost of whose passage it was proposed should be defrayed by Debentures secured upon the Land Fund”. That would have been welcome as addressing the immediate needs of employers, but “Immigration to be productive of permanent benefit, must be continuous”. Petitions were received by the Council, on 21 September 1847/76 “on the necessity for resorting to the revival of Immigration, to be defrayed by the issue of Debentures secured on the Territorial Revenue”, and on 28 September 1847/80 in similar terms, but “aided, if necessary, by a tax on employers, proportioned to the numbers they employ”. The idea

of a poll tax had been considered but not recommended by the Committee. On 21 September 1847//76 Cowper moved a series of resolutions based on the Report of the Committee; all were passed, with only minor amendments. On 29 September 1847/81 the Council considered and approved an Address to Her Majesty and Petitions to both Houses of Parliament. When Fitzroy prorogued the Council on 2 October 1847/84 he confirmed that he would forward the Address and Petitions, with his “strong recommendation that such measures as may be found practicable, may be speedily adopted for securing the introduction into the Colony, of a sufficient number of Emigrants from the Mother Country, to meet the pressing demands for labor experienced in all the chief branches of Colonial industry”. Assisted immigration recommenced in 1848, initially with mainly Irish men and some women. For copies of despatches and enclosures thereto which relate to Immigration *see* the 1848 volumes of the Votes and Proceedings.

#### **1847/7 COMMITTEE ON THE DIVISION OF THE LEGAL PROFESSION**

*Background* For the earlier Committee, now re-appointed with the same membership *see* 1846(2)/5, where the Report, tabled on 23 September 1847/7, is discussed in some detail. The new Committee however did examine further witnesses from May to August 1847, and their names are below.

*Witnesses examined by the 1847 Committee* Robert Johnson, solicitor; John Want, attorney, solicitor, and proctor in the Supreme Court, (examined and re-examined by the 1846 Committee, and further examined by the present Committee); James Martin, solicitor, attorney, and proctor in the Supreme Court; Ross Donnelly, barrister; *Sir* Alfred Stephen, Chief Justice; James Norton, solicitor; Archibald Michie, barrister; J N Dickinson, Senior Puisne Judge of the Supreme Court.

*Report of the Committee* The Report is discussed at 1846(2) 5.

#### **1847/7 COMMITTEE ON ROADS AND BRIDGES**

*See* 1846 (1) where the Report of the earlier Committee and the Report of the present Committee (which was re-appointed on 18 May 1847/7 with the same membership) are discussed.

#### **1847/8 COMMITTEE ON THE CONDITION OF THE ABORIGINES**

*See also* 1838/23, 1845/10.

On the motion of Richard Windeyer the earlier Committee was re-appointed.

*Members of the Committee* Richard Windeyer; Joseph Phelps Robinson; Francis Lord; William Henry Suttor; John Dunmore Lang; William Bowman; The Attorney General (John Hubert Plunkett).

*Report of the Committee* The Committee did not report in 1847, probably because of the death of its chairman, Richard Windeyer, on 2 December 1847.

## 1847/9 COMMITTEE ON THE CIRCULAR QUAY BILL

*See also* 1833/25, 1836/11, 1839/1, 1840/21, 1844/15

*Background* On 11 May 1847/4 Governor Fitz Roy proposed, by Message, *A Bill to authorise and empower the Government of New South Wales to continue and complete the Circular Quay, in Sydney Cove, and to alter and improve the approaches to the same.* The Bill had its first reading on 13 May 187/5. On its second reading on 26 May 1847/9 the Collector of Customs, John George Nathaniel Gibbes, proposed that it be referred to a Committee, “with instructions to enquire into the expediency of completing the Circular Quay, and the expense of effecting the same; and also as to the probable claims of individuals likely to arise in the event of the Bill passing into Law”.

*Members of the Committee* The Collector of Customs (John George Nathaniel Gibbes; The Colonial Secretary (Edward Deas Thomson); Terence Aubrey Murray; John Bayley Darvall; Joseph Phelps Robinson; Francis Lord; Charles Cowper.

*Report of the Committee* The Committee’s Report was tabled on 30 September 1847/82 and was printed. “Your Committee proceeded to take evidence of such persons as are likely to be affected by the extension to the Quay, and opening the approaches thereto, as well as of those who could afford information as to the amount of compensation to be given to parties claiming for any damage that may be done to them by carrying on the contemplated improvements, and the probable expense thereof. From the difficulty which has been experienced in ascertaining the real value of the land to be taken for this purpose, and in coming to any arrangement with the holders thereof, they do not feel themselves in a position to make any final Report.” The Committee, however, tabled the Evidence (which was printed), and recommended that the matter be taken up again “in the first Session of the ensuing Council...it being...one of very real importance in reference especially to the state of the Harbour at the head of the Cove”. The construction of the Quay and associated reclamation work was completed in 1854.

## 1847/11 COMMITTEE ON THE COAL INQUIRY

*Background* In 1826 Earl Bathurst, then Secretary of State for the Colonies granted to the Australian Agricultural Company a monopoly allowing it to mine and sell coal. It was generally thought that this allowed the Company to set high prices for domestic coal. On 28 May 1847/11 on the motion of Patrick Grant, amended by Terence Aubrey Murray, the Council resolved to appoint a Committee “to inquire into the nature of the agreement made by the Government with the Australian Agricultural Company respecting the working of coal; the expediency of taking measures for obtaining from the Company, for the benefit of the public, the advantage thereby conceded to them; and the terms of compensation, if any, which would be granted to them for relinquishing any right to which, under their agreement with the Government, they may be entitled”.

*Members of the Committee* Terence Aubrey Murray; Joseph Phelps Robinson; Patrick Grant; Hannibal Hawkins Macarthur; Henry Dangar; Edward Jones Brewster; Charles Cowper; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* [Between 31 May 1847 and 1 July 1847 the Committee took evidence from fifteen people] James Mitchell; The Revd William Branwhite Clarke;

John Thacker; Samuel Augustus Perry; The *Revd* L E Threlkeld; John Piper Mackenzie; Captain Phillip Parker King, R.N.; James Paterson; Captain Arthur Philip Wall; James Brown; Henry Rawes Whittell; John Struth; Alfred R Huntley; Thomas Hyndes; William Lithgow.

*Report of the Committee* On 8 June 1847/16 the Council requested that the Governor table “copies of all letters addressed by General Darling to the Secretary of State relative to the Coal Mines at Newcastle, and the grant promised to the Australian Agricultural Company at that place; and a copy of the agreement made between the Government and the Company on that occasion”. In the course of evidence being given, it became apparent that some landholders who had workable coal seams on their properties, could not work them because of the monopoly granted to the A A Company: James Mitchell was one of these. In presenting its Report the Committee commented that it had been given much valuable information from some witnesses. However, the whole matter was taken out of the Council’s hands, as the brief formal Report, tabled on 16 September 1847/74 observed: “In accordance with their instructions, your Committee examined several witnesses, and pursued to great length the inquiry which they were appointed to make. They had prepared a Report, entering into a detailed investigation of the subject referred to them, but this they now deem unnecessary to present, as it has been officially notified to your Honorable House, that an arrangement has been made in England, between Her Majesty’s Government and the Directors of the Company, by which the agreement referred to ‘giving the latter exclusive advantages in the working of Coal’ has been terminated. Your Committee trust, however, that the evidence laid before them will afford some useful information; and would in particular draw attention to that of the Reverend W B Clarke, respecting the extent and character of the Coal fields of Australia”.

**1847/14 COMMITTEE ON THE UNION BANK OF AUSTRALIA  
AMENDMENT BILL**

*Background* On 1 June 1847/14 Robert Lowe presented a Petition from John Cunningham M'Laren, Inspector of The Union Bank of Australia, and William Fane de Salis, John Gilchrist, and William Fanning, Directors of the Bank, stating that public notice had been given in the approved manner of the intention of applying for *A Bill to amend...an Act for facilitatng proceedings by and against...the Union Bank of Australia*, and the Bill was introduced by Mr Lowe on 3 June 1847/14. The Council resolved to appoint a Committee to consider the Bill and report on it.

*Members of the Committee* Robert Lowe; Terence Aubrey Murray; John Bayley Darvall; Edward Jones Brewster; The Attorney General (John Hubert Plunkett); Richard Windeyer; William Charles Wentworth.

*Report of the Committee* The Report was tabled on 8 June 1847/16. The Bill had its second reading on 23 June 1847/25, was considered by the Council in Committee on 25 June 1847/27, and was *passed* on 29 June 1847/28.

**1847/14 COMMITTEE ON THE REDFERN ESTATE'S TRUSTEES  
BILL**

*Background* On 1 June 1847/14 Robert Lowe presented a Petition from William Lachlan Macquarie Redfern, of Glasgow, in Scotland, and James Alexander, of the City of London, stating that public notice had been given in the approved manner of the intention of applying for *A Bill to appoint John Alexander, of Sydney, in the Colony of New South Wales, Merchant, to be the Trustee of the Redfern Estate*. Lowe introduced the Bill on 3 June 1847/14. The Council resolved to appoint a Committee to consider the Bill.

*Members of the Committee* Robert Lowe; Terence Aubrey Murray; John Bayley Darvall; Edward Jones Brewster; The Attorney General (John Hubert Plunkett); Richard Windeyer; William Charles Wentworth.

*Report of the Committee* The Report was tabled on 16 June 1847/21 and was considered by the Council in Committee, without amendment, on 25 June 1847/27. The Bill was *passed* on 29 June 1847/29.

**1847/18 COMMITTEE ON THE COCKATOO ISLAND DRY DOCK**

*Background* In Despatch no. 185 of 12 November 1845 Governor Gipps had proposed to the Secretary of State for the Colonies (who at the time of Gipps' writing was Lord Stanley) the construction of a dry dock on Cockatoo Island, in Sydney Harbour. Gipps' Despatch was acknowledged by Stanley's successor W E Gladstone in his Despatch no. 39 of 10 June 1846 which gave general approval to the project but said that the cost would have to be borne by the Colonial Government. Gipps had reported that he had already put convicts on Cockatoo Island, in 1839, to clear the site so that large silos could be cut into the sandstone for the storage of wheat. (Gipps had purchased enough wheat to enable the Colony to survive for twelve months in any future shortage such as that had been experienced in some previous years, but the Secretary of State for the

Colonies (Lord Russell) objected to this on the grounds that a Government should not interfere with the corn trade. The Government-owned wheat was to be sold by public auction.) Although the beautifully constructed silos (two of eight still remain) were therefore not used as intended, there was still plenty to occupy the convicts on Cockatoo Island. Stone hewed on the Island was used for many of the great public buildings then in the course of construction in Sydney; the building of a dry dock would give work for many more. The convicts were for the most part serving secondary punishment for offences committed on Norfolk Island. Cockatoo Island, surrounded by deep water, and under scrutiny from the mainland, was considered an ideal place of confinement. Contemporary accounts show that this forced convict labour was greatly less efficient than that of private workmen, but it was nevertheless very necessary for the convicts to be given work. By the time approval for the dry dock arrived from London, Governor Gipps had been replaced by *Sir* Charles Fitz Roy, who was able to inform the Council by Message on 1 June 1847/12 that he had received from the Secretary of State “relative to the construction of a Dry Dock on Cockatoo Island...a Plan and an Estimate...of the cost of the undertaking...” If the Council approved, the Governor would “propose to place the sum of £1,000 upon the Estimates, in order that the work may be undertaken at once, while convict labour is available for the purpose—by which it is perceived there will be a considerable saving of expense”. The Council considered the matter on 10 June 1847/18, and resolved to appoint a Committee “...to report upon the expediency of undertaking the execution of this work on the scale proposed...”

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Colonial Treasurer (Campbell Drummond Riddell); John Lamb; The Collector of Customs (John George Nathaniel Gibbes); Maurice Charles O’Connell; Joseph Phelps Robinson; William Dumaresq.

*Witnesses examined by the Committee* Captain Philip Parker King, R.N.; Lieutenant-Colonel James Gordon; Gother Kerr Mann; Captain Owen Stanley, R.N.; Merion Moriarty.

*Report of the Committee* The Report quoted extensively from the opinions of the witnesses, who were all in favour of the project, and of the proposed site, which had the advantage of deep water close in, and of being easy to defend from enemy attack. However, they believed that the dimensions of the dock should be increased to allow it to accommodate the largest vessels which might be expected to come into the Harbour. The Committee reported “that if the proposed Dry Dock were completed, and a moderate scale of charges framed for the use of it (not exceeding those paid for the use of the Patent Slip), not only would the original outlay be eventually refunded, but it would ultimately become a permanent source of revenue to the Colony”. The Committee therefore recommended that the project should proceed: “construction of a Dry Dock within the Harbour of Port Jackson would be of great and permanent advantage to the Colony”.

## 1847/43 COMMITTEE ON THE MINIMUM UPSET PRICE OF LAND

*Background* On 23 July 1847/43 John Fitzgerald Leslie Foster moved “That a Select Committee of ten Members be appointed to inquire into, and report upon, what ought to be the minimum upset price or prices of land in the various Counties and districts of New South Wales”.

*Members of the Committee* John Fitzgerald Leslie Foster; Joseph Phelps Robinson; Richard Windeyer; Charles Cowper; William Pitt Faithfull; Thomas Icely; Robert Lowe; William Henry Suttor; John Lamb; George Allen.

*Witnesses examined by the Committee* Francis Macarthur, of Goulburn; Arthur Hodgson, of Moreton Bay; Severin Kanute Salting,, merchant, of Sydney; Oswald Bloxsome, Manager of the British and Colonial Loan Company; William Hall Palmer, M.D.; George Leslie, of Darling Downs; Oliver Fry, Commissioner of Crown Lands for the Clarence River District; Samuel Lyons, Auctioneer, of Sydney; Thomas Sutcliffe Mort, Auctioneer, of Sydney; Lewis Samuel, of Wellington; Edward Cornish, of Wellington Valley; William Ogilvie, of Morton; James Atkinson, of Port Phillip and Port Fairy; John Thompson, Principal Draftsman in the Surveyor General's Department; John C King, Town Clerk of Melbourne; William H Hovell, J.P.; Leopold De Salis, of the Murrumbidgee District; John Dobie, of the Clarence River District.

*Report of the Committee* The Committee tabled its Report on 28 September 1847/80, and it was printed. The Committee prefaced it with this statement: "It appears from the testimony of all the witnesses examined--whether favorable or unfavorable to the maintenance of a high minimum price--and even from the Despatches of Sir George Gipps himself, that the sum of £1 does not in any degree, represent the exchangeable value of an acre of land in New South Wales. The declaration of [the British] Parliament, therefore, that land shall not be sold till it realizes £1 an acre, is a declaration that land shall not be sold till it will realize more than it is worth; in other words, that except under very particular circumstances, land shall not be sold at all. That such has been the practical effect of the measure will be evident from the following table of the sums realized from the sale of land since the year 1837." [The table is printed in the Report.] "From this table it will appear, that the sum realized by sales of land in 1846, is less by £3000 than one-fourth of the sums realized from the same source in 1837...in the five years which have elapsed since the raising of the minimum price to £1 an acre, the whole sum realized by land sales is not quite £80,000, or two-thirds of the sum realized in the single average year 1837; and the whole number of acres sold about 45,000, or less than one-eighth of the number sold in 1837. The result is more striking, when it is observed that in 1837, the population of the Colony amounted to 85,000 persons, while in 1846, the population amounted upwards of 196,000. Thus by unwise legislation has the permanent settlement been retarded in proportion as the demand for it has increased; and thus is the fallacy, that land can be made saleable at this price by the introduction of population, practically refuted...while our exports, our shipping, our circulating medium [of coins], and our population have doubled, while the proceeds of sales by auction have increased one-fourth, the proceeds of sales of land have decreased by more than three-fourths...the recent insolvencies cannot be the cause of the falling off in the proceeds of the Land Fund...the sale of all other commodities is regulated by supply and demand, whereas [the Government]...refuses to regulate its dealings by these principles...of supply and demand, and insists on holding [land]...of which it has practically the monopoly till it realize a price, of obtaining which no practical man can see the probability or even the possibility." The Committee went on to observe that the squatters who could not afford to or chose not to buy land at £1 an acre, simply occupied the unsold land, in the knowledge that this occupancy might remain until the land was sold..The Committee pointed out that the squatters had obtained, through the impossibility of purchase, "all that a purchase could have given them, and that the law [requiring a minimum sale price of £1 an acre] which rendered these lands unsaleable virtually gave them away to their present occupants. Hence arose a party in the Colony

unknown before, who began to feel that they had a vested interest in maintaining the prohibitory price, as a guarantee that their occupancy would never be disturbed.” The Committee gave a great deal of attention to the various sections of the Despatch from Earl Grey, Secretary of State for the Colonies, but concluded its long Report by saying that it could not “acquiesce in the proposition...that a high price of land and the squatting system will mutually support each other. “

## **1847/60            COMMITTEE ON THE FREE PRESBYTERIAN CHURCH MARRIAGE BILL**

*Background* On 20 August 1847/59 John Fitzgerald Leslie Foster introduced *A Bill to remove doubts as to the validity of certain Marriages had and solemnized within the Colony of New South Wales, by Ministers of the Free Presbyterian Church; and to regulate the registration of certain Marriages, Baptisms, and Burials*, and on the following day he moved the appointment of a Committee to consider the Bill. In Scotland there were five denominations of Presbyterians; in New South Wales there were three. These were the Free Presbyterian Church under the superintendence of the Synod of Eastern Australia; the so-called Secession Church, now to be called the United Presbyterian Church of Scotland; and the original established Church of Scotland, under the superintendence of the Synod of Australia. It was a reasonable supposition that there might in due course be all five. Some doubts had been raised as to whether marriages solemnized in Presbyterian Churches not connected with the established Church of Scotland were in effect valid in law. The Bill proposed to remedy the problem.

*Members of the Committee* John Fitzgerald Leslie Foster; Edward Jones Brewster; John Bayley Darvall; The Auditor General (William Lithgow) The Attorney General (John Hubert Plunkett); The Colonial Treasurer (Campbell Drummond Riddell); John Lamb.

*Witnesses examined by the Committee* The *Revd* John Tait, Minister of the Presbyterian Church, under the Superintendence of the Synod of Eastern Australia; The *Revd* Colin Stewart, Minister of the Synod of Eastern Australia; The *Revd* John M’Garvie, Minister of St Andrew’s Scots Church, Sydney; The *Revd* Robert Ross, Minister of the Congregational Church in Pitt Street; The *Revd* William Ritchie, Minister of Dr Lang’s Church, Church Hill.

*Report of the Committee* The Committee reported on 7 September 1847/68 and the Report was printed. It said that “serious doubts may arise as to the validity of Marriages solemnized in this Colony by Ministers ordained by any branch of the Presbyterian Church, other than the Church of Scotland, as the by law established by the 5<sup>th</sup> William IV., no 2, seems to be limited in its operation”. The Committee observed “that it would be a preferable course to enact that Marriages performed by Ministers of all denominations of Presbyterians should be valid”; but because of the “very late period of the Session”, the matter should be deferred until the next Session. “All Ministers of the Synods of Eastern Australia and Australia Felix, with only one exception, appear ...to be competent to solemnize Marriages, from having been originally ordained by the [established] Church of Scotland.”

*Background* On 3 August 1847/48 the Governor, by Message, had proposed *A Bill further to amend the Laws relating to the Savings' Bank of New South Wales and Port Phillip respectively, and to empower the Trustees of the Savings' Bank of New South Wales to erect premises wherein to carry out the business of that Institution.* The Governor also laid before the Council “a plan prepared by the Surveyor General showing the manner in which it is proposed to lay out the site of the present Military Barracks in George Street, Sydney, on their vacation by the Military authorities, which, it is contemplated will take place in the course of the ensuing year. As the proceeds of this portion of land, when sold, will be payable to the General or Ordinary Revenue, in conformity with the arrangement under which advances have been from the same to the extent of £60,000, for the construction of the New Military Barracks on the South Head Road”. The Governor asked for the concurrence of the Council to this proposal, as well as the free grant of two allotments facing George Street “to this most useful Institutions [The Savings Bank of New South Wales]...as an eligible site for the erection of the necessary buildings”. When these proposals were considered by the Council on 26 August 1847/62 it objected that a grant to the Savings Bank would be tantamount to “a Vote of at least £1,000 from the Ordinary Revenue and that as no case...has been made out to justify such a Vote, the Council respectfully declines to give their concurrence to the Grant of Land in question”. As to the plan for the laying out for sale of the allotments to be formed from the Old Military Barrack Square in George Street, the Council referred the matter to a Committee.

*Witnesses examined by the Committee* Mortimer William Lewis (Colonial Architect); Lieut. Colonel James Gordon (Commanding Royal Engineer); Thomas Sutcliffe Mort (auctioneer); Thomas Stubbs (auctioneer).

*Report of the Committee* The Committee reported on 24 September 1847/79 and the Report was printed, including a copy of the plan as referred to the committee. It was the view of the Committee that a plan submitted by Mr Lewis, the Colonial Architect, was preferable to the plan which had been referred to it. Because the original plan had only shown a general frontage for sale of 4,005 feet whereas the Lewis plan proposed 4,525 feet for sale: the Committee believed that the Lewis plan showed “a probable excess of £8,450 in the amount likely to be realized”. The estimate did not include “the value of the ground upon which the Commissariat Offices now stand [or]...the value of the buildings now used as Military Barracks”. It added that “Your Committee are also of opinion, that independently of the question of revenue...the embellishment of the City, and the health and convenience of its inhabitants, will be more promoted by throwing open and widening the busy thoroughfare of George-street, than by forming in its rear, out of the line of commercial traffic, a square or open space as proposed in the original plan”. The fate of the Report and its recommendations is unclear. However, an examination of the street plan of this area of Sydney as it was in 2010 suggests very strongly that the layout is broadly consistent with the original plan rather than the Lewis plan: and there is certainly “a square or open space” (Wynyard Park) at the rear of the site (between the then and still existing York Street and the proposed “Broad Street” as shown on the plan (now Carrington Street). It is unclear whether the “busy thoroughfare of George-street” was widened at this stage, or at a later time..

## Session of 1848

### 1848/1 COMMITTEE TO PREPARE A REPLY TO THE GOVERNOR'S OPENING ADDRESS TO THE COUNCIL AT THE COMMENCEMENT OF THE 1848 SESSION

*Background* At the opening of the new Session on 21 March 1848/1 an opening Address which had been received by Message from the Governor was read by the Speaker. The Governor observed that although the Mother Country had experienced a severe commercial depression, the Colony had produced wool and tallow with increases in both quantity and value over previous years. There was in the Colony “a great superabundance of all the necessaries of life, of the best quality, and procurable at very moderate rates”. However, the cost of labour had pressed hard on employers, while being “the source of highly remunerative employment to the working classes”. The Governor said that he had endeavoured, “by seeking fresh supplies of labor from the Mother Country, to restore that equilibrium, the maintenance of which, between the two classes, is so essential to the general as to their mutual welfare...The whole of the Land and Immigration Debentures have been paid off, and the Territorial Revenue has exhibited so prosperous a state as to have enabled me to request Her Majesty’s Government to send out...in addition to the 5,000 stature Adults already promised an equal number in the ensuing season...to be equally divided between the Sydney and Port Phillip Districts”. Boards had been established to oversee the church schools and the proposed National schools. The extension of the use of auxiliary steam screw vessels would result in improved rapid postal communication with the Mother Country; and loans from the Savings Bank would be used for “public works of general utility”. A Despatch from the Secretary of State for the Colonies (Earl Grey) set out the terms on which Her Majesty proposed to send out Exiles and Ticket of Leave holders, to be followed by wives and families, and a number of free immigrants equal to their numbers, subject to the concurrence of the Legislative Council, at the expense of the British Treasury, was commended to the Council. The District of Port Phillip was to be a separate Colony, to be known as Victoria. As was normal practice, the Council appointed a Committee to prepare an Address in Reply.

*Members of the Committee* Stuart Alexander Donaldson; Francis Lord; The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; The Attorney General (John Hubert Plunkett); Robert Lowe.

*Report of the Committee* The Committee, or at least its chairman, Stuart Alexander Donaldson, must have seen the Governor’s Message in advance, since immediately it was appointed the Committee tabled its Report. As might be expected, the Committee was generally in favour of the Governor’s proposals, especially in relation to those relating to increases in immigrants. However, the proposal to send Exiles and Ticket of Leave holders, “will receive that attentive consideration which the importance of the question merits”. The Council duly adopted the draft Address in Reply, which would then be presented to the Governor.

## 1848/2 COMMITTEE ON STANDING ORDERS

*The Committee was re-appointed* with the following membership: The Speaker (Charles Nicholson); Charles Cowper; The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett)

## 1848/2 LIBRARY COMMITTEE

*The Committee was re-appointed* with the following membership: The Speaker (Charles Nicholson); Alexander M'Leay; The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); Charles Cowper; Henry Watson Parker; Robert Lowe.

## 1848/3 COMMITTEE ON RAILWAYS

*Background* In his Address at the beginning of the Session The Governor had informed the Council that the Secretary of State for the Colonies had referred to the importance of establishing railways in the Colony. As early as 6 August 1846 a public meeting had been held in Sydney which appointed a Provisional Committee. On 28 March 1848/3 Charles Cowper presented a Petition from this Committee, requesting "a survey to be made in the Southern and Western Districts of the Colony, with reference to the proposed formation of Railways, [and] praying the Council to adopt such measures...as to them shall seem fit". On the same day Cowper moved the formation of a Committee "to take into consideration the practicability and expediency of introducing Railways into this Colony; with instructions to take Evidence, and to report not later than two months from this date".

*Members of the Committee* Charles Cowper; John Lamb; Willian Dumaresq; Thomas Icely; The Colonial Secretary (Edward Deas Thomson); Thomas Aubrey Murray; Francis Lord.

*Witnesses examined by the Committee* William Dawes (Secretary to the Provisional Committee appointed in 1846, for which *see above*); Thomas Woore, former Royal Navy surveyor; Phillip Parker King, R.N.; Francis Webb Shields, City [of Sydney] Surveyor; Henry Gilbert Smith, merchant, of Sydney; Richard Wright Goodall, civil engineer and surveyor; William Walker, landed proprietor and stock holder; *Revd* Ralph Mansfield, Secretary to the Gas Company.

*Report of the Committee* The Committee reported on 6 June 1848/39, saying "that there is no subject...that possesses greater... importance with that which has been referred to them for investigation...but pointing out the need for "a certain amount of population and internal traffic". The Committee thanked the committee appointed at a public meeting on 29 January 1846 which had collected information on "the products, the population and the existing amount of traffic in those districts through which Railway communication, if introduced, offered the best grounds of hope of success". If railways were introduced into the Colony, Sydney should be the terminus of a line through the County of Cumberland in a westerly and southerly direction, in an area which "includes more than half of the population of the whole Colony". The Committee then proceeded to examine the proposals under five headings: (1) "The physical aspects and capabilities of the country in those localities through which it appears probable that Railway

communication could be introduced with the most reasonable prospect of success.” (2) The cost of construction, “whether constructed of wood with iron plates, or of lines entirely of wooden rails”. (3) “The amount of labor at present in the Colony available for the purpose.” (4) “The probable revenue derivable from any line the projection of which may be justified by its extension through a district combining in the greatest degree the several elements of population, traffic, and the absence of any considerable physical obstacles calculated to enhance the expenses or impede the progress of its construction.” (5) “The means by which the capital may be raised and expended in any Railway undertaking, the privileges which the Legislature and Government would be justified in granting, and the conditions and restrictions which it would be expedient to impose in any Act for the regulation of Railways generally, or for the incorporation of any particular Company.”

The Committee commented: (1) “The formation of a Railway within the County of Cumberland is of comparatively easy accomplishment, and if the completion of these lines of Railway could be facilitated by the Government stepping forward to encourage such an undertaking, your Committee would strongly recommend that it should be done, the Government clearly understanding that it is given solely with the view of introducing Railways into the Colony. (2) “...the cost of construction of Railways in Australia [might be] much less than that incurred for similar works in Europe. Two-thirds of the country through which any extended line of Railway might be carried would consist of Crown Land, and...so great an increased value will be given to the Waste Lands of the Colony...that the Imperial Government would be bound...to make a free grant of all lands required for the actual construction of the line...[and the reservation without charge] to the Company...at the several termini”. There was a precedent for this approach in Canada. The indigenous Iron Bark timber would be used as in some parts of America, at a cost of about £2,000 a mile. (3) The Committee believed that there was “always a considerable population laboring in Sydney, who, in consequence of their having large families, and from other circumstances, are either unable or unwilling to take employment in the interior...while labor has been scarce in the interior, the Sydney Corporation has never experienced [a lack of supply] of men for the repair of the City streets”. (4) “Your Committee think that it is a duty on the part of the Legislature to satisfy itself as to the reasonable prospect of any Railway project being likely to prove remunerative to those investing their capital in it...[and] that the project of a Railway ought, if necessary with a view to ensuring its success, to be encouraged by the Government providing, either directly or indirectly, a portion of the capital, and offering to guarantee a fixed rate of interest on the shares, for a limited term of years.” (5) The Committee noted that there was ample unemployed capital in the Colony for projects such as railways; for instance “on the 31<sup>st</sup> December 1847, the amount of deposits in several Colonial Banks was £1,200,000...Many persons would willingly invest their capital if assured of the receipt of a moderate dividend for a given number of years”; a dividend of, say, six per cent per annum could be guaranteed by the Government, although “if the Company be managed economically, and the works carefully executed, the fulfillment of the guarantee will not be required”. The first railway in the Colony, from Sydney to Parramatta, was opened in 1855.

## 1848/4 COMMITTEE ON STEAM COMMUNICATION WITH ENGLAND

*See also 1846 (2)/6*

*Background* The Council had previously addressed the question of whether steam ships might provide a more speedy way of communicating with England, but no progress had been made. This may have been partly due to the reluctance of the British Postmaster General to subsidize the Singapore to Australia leg of the voyage which continued by sailing ship. However, Governor Fitz Roy had, in his speech opening the Session on 21 March 1848/1, referred to a Despatch from the Secretary of State for the Colonies about ships equipped with the newly available screw propellers, considered to be more efficient than paddle wheels. Fitz Roy had recommended that the Council give further consideration to the matter. Accordingly, on 29 March 1848/4 the Colonial Secretary moved the appointment of a Committee “to resume the consideration of the best means of establishing a Steam Communication between this Colony and England, with instructions to take further Evidence and report”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); Stuart Alexander Donaldson; John Lamb; William Charles Wentworth; Joseph Phelps Robinson; Thomas Icely; Charles Cowper.

*Witnesses examined by the Committee* Captain Phillip Parker King, R.N.; Lieutenant Merion Moriarty, R.N.; Captain Owen Stanley, R.N.; Lieutenant Charles B Yule, R.N.; James Raymond; Captain Samuel Ashmore; Captain George Nathaniel Livesay; Adam Bogue.

*Report of the Committee* The Report of the Committee was tabled on 13 June 1848/44 and was printed. It made reference to the Report of the 1846 Committee, observing that in their view the “Eastern” route via Torres Strait was still more practicable than any other. The Council in 1846 had been so impressed that by this proposal that it had appropriated £500 per month for three years in order to support it. However, as the direct route via the Cape of Good Hope which had not been favoured by the Council in 1846 was now being put forward by Earl Grey, the Secretary of State for the Colonies, as being preferred for operation by screw propelled steamers; the Eastern route now appeared not to have the approval of London. The evidence before the present Committee, especially that of Captain Beaufort had supported the view that the Eastern route was better in all respects. In particular the Committee noted the expert evidence suggested that although the passage by steam from the Cape to New South Wales was feasible, “...the difficulty in the return passage would be very great, owing to the prevalence of westerly winds, and that the screw propeller would not afford that certainty of rapidity which is essential in postal communication”. Nevertheless the Committee, while regretting that the local plan for the Eastern route was not favoured by the Imperial Government, saw “grounds for satisfaction, on Her Majesty’s Government having shown great anxiety to effect consummation of the great object of bringing the Colonies into connexion with the Parent State by means of steam”. The Report went on to urge the superiority of the proposed Eastern route, noting that any other route would mean that Sydney would be the last port of call rather than the first. On 16 June 1848/47 the Council, having considered the Report, passed the following Resolutions: (1) “That this council desires to express its entire concurrence in the recommendations of the Select Committee appointed in the year 1846, and during the present Session, to consider the best means of establishing steam communication with England.” (2) “That in aid of carrying out the

original design of effecting a junction with the overland line at Singapore, by way of Torres' Straits, this Council desires to repeat its recommendation, that a sum of £500 per month, for a period of three years, be applied from the General Revenue of the Colony."

(3) That copies of these resolutions and of the Report of the Committee be transmitted to the Governor with a request that they be forwarded to the Secretary of State for the Colonies, "with such an expression of His Excellency's opinion thereon, as may tend to secure to the Australian Colonies the same advantages of a rapid and certain postal communication with the Mother Country which...has already been extended to all other portions of Her Majesty's Colonial Possessions"; and "That the announcement of the determination of Her Majesty's Government to postpone the adoption of any permanent measure for this purpose, until an experiment had been made, by means of a vessel fitted with the Auxiliary Screw Propeller, by the way of the Cape of Good Hope, has created the greatest disappointment, both to this Council, and to the Colonists generally, more especially as, so far as can be learned, no steps whatever have yet been taken for carrying this project into effect, although the experimental vessel ought to have left London in the Autumn of last year". Governor Fitz Roy replied on 20 June 1848/48 that the copies would be transmitted to London at the earliest opportunity.

## 1848/12 COMMITTEE ON SLAUGHTER HOUSES

*Background* The killing of animals for meat within the boundaries of the City of Sydney created a health hazard. It was reported that of the seventy-eight butchers who plied their trade in Sydney, only twelve had premises fit for the purpose. On 11 April 1848/9 William Bland had presented "a Petition from John Neale, Thomas May and John Kingdon Cleave, praying that the Council will not sanction the removal of Petitioner's Slaughter House, or otherwise to grant them ample compensation"; and on 18 April 1848/12 Robert Lowe presented "a Petition from certain of the inhabitants of the City of Sydney, praying the Council to adopt measures for the early removal of the Slaughter Houses now within the City of Sydney, and to reward compensation to the proprietors if necessary". In the same sitting Patrick Grant moved the appointment of a Committee "to take into consideration the expediency of removing Slaughter Houses beyond the boundaries of the City of Sydney".

*Members of the Committee* Patrick Grant; John Moore Airey; Charles Cowper; John Lamb; Robert Lowe; George Allen; The Attorney General (John Hubert Plunkett)

*Witnesses examined by the Committee* Joseph Thompson, junior, linen draper; Francis Campbell, medical doctor, Superintendent of the Lunatic Asylum at Tarban Creek; Thomas Hyndes, City Councillor and substantial landholder in Sussex Street; William Willmington, resident of Sussex Street; Francis Lascelles Wallace, medical doctor; John Rae, Town Clerk of the City of Sydney; Charles Nathan, medical doctor and surgeon; John Struth, engineer, formerly of Sussex Street; James Robert Wilshire, Alderman of the City of Sydney; George Bennett, surgeon; James Hume, architect and surveyor; John Bibb, architect and surveyor; Thomas Holmes, rail and shipping butcher; John Neal, carcass butcher and member of the City Council; George Hill, carcass butcher and Common Councillor of the City of Sydney; John Cleeve, carcass and retail butcher; Thomas May, City Councillor and proprietor of some slaughter houses; Richard Stubbs, Inspector of Nuisances for the City of Sydney; George Oakes, carcass butcher of Parramatta; Henry Smithers Hayes Miller of Parramatta Street; Samuel Augustus Perry, Deputy Surveyor of the Colony; James Hugh Palmer, resident of Pitt Street; Thomas

Croft, wharfinger and resident of Parramatta Street; Isaac David Nichols, former Inspector of Nuisances; Edward Deas Thomson, Colonial Secretary; Joseph Long Innes, Senior Police Magistrate; Andrew Higgins, Inspector of Slaughter Houses.

Report of the Committee The Committee reported on 31 May 1848/35 and the Report and the Minutes of Evidence were ordered to be printed. The Committee said “It appears...that most, if not all, of the Slaughter Houses within the City of Sydney, are not only extremely offensive to persons residing near them, but that they are also injurious to the health of the Inhabitants generally”. The complaints made of the Slaughter Houses in and near Sussex Street, and at Blackwattle Swamp might be addressed by the removal of all pigs (whose activities near slaughter houses and their consumption of offal were particularly offensive), and an improved system of cleansing, but the lack of water meant that the resulting impurities would be left to dry on the mud banks. “Your Committee have ascertained that of seventy-eight butchers who kill sheep, calves and pigs within the City, not more than twelve have premises fit for the purpose, or which can be properly cleansed. The other sixty-six are more or less offensive to those who live near them, and the blood and refuse which are drained from the best conducted establishments are only carried to the Tank Stream, or the head of Sydney Cove, where they remain until removed by heavy rains or a high spring tide. It having been intimated that Government thought Glebe Island...might be set apart...for public Slaughter Houses”, the existing Cattle Market should be moved to a position close to the new Slaughter Houses; and the proposed new arrangement might be financed by the sale of the land occupied by the existing market, together with a moderate increase in the fees presently charged on the slaughter of cattle, and a charge in the future on the slaughter of calves, pigs and sheep. The Committee urged the Council to consider the body of evidence presented, and to recommend “that the Executive Government should be urged to take measures for carrying out the suggestions now submitted to the Council. It will be necessary, in order to do this effectually, that an Act should be passed to remove all Slaughter Houses beyond the boundaries of the City; and your Committee are of the opinion that the removal should take place within one year from the 30<sup>th</sup> June next, or as soon after that period as the proposed Public Slaughter Houses can be erected, at Glebe Island or elsewhere. [There should be] a provision against the slaughtering of animals within three miles of the City...and against the licensing of any new Slaughtter House within the City limits...[There should also be] an amendment of the Police Act ...to cause the removal of all pigs and tanneries from the City.” The Committee went to say that while they had given consideration to whether “any of the parties who may be affected by the recommendations of your Committee are or are not entitled to compensation...but they are unable to perceive upon what principle such compensation can be awarded”. It should be noted that, perhaps because Council was not expected to sit beyond the end of June, with much work remaining including consideration of the Estimates, that the Report was not debated. Members would have had opportunity to read the Minutes of Evidence, and clearly the Council was pleased, on 6 June 1848/39, to be able to recommend the proposals to the Governor. However, although the construction of the new Public Slaughter Houses at Glebe Island commenced very soon after the Act was proclaimed, work was soon abandoned and it was six years before the prohibition on slaughtering within the City limits came into force, on 1 October 1860.

*Background* As was the case with many banking institutions and other companies, the Commercial Banking Company Sydney wished to simplify the way in which the wishes of the proprietors in matters such as the ability of the bank as an entity to sue or be sued by devolving responsibility (in this case) to the Manager of the Bank. To attain this end, an Act of the Council was required. Accordingly, on 28 April 1848/17 Robert Lowe introduced *A Bill to enable the proprietors of a certain Banking Company called 'The Commercial Banking Company of Sydney', to sue and to be sued in the name of the Manager for the time being of the said Company, and to vest the property of the said Company in the Manager for the time being thereof, and to provide for the disposal of the said property by him, and to define the responsibilities and liabilities of the said Company and the Proprietors thereof, and to regulate and facilitate the operations of the said Company, and to give certain other powers and privileges to the said Company, and for other purposes therein mentioned.* The Bill was referred to a Committee, with instructions to report in a fortnight, later extended to one month.

*Members of the Committee* Robert Lowe; John Bayley Darvall; James Cowper; The Attorney General (John Hubert Plunkett); Francis Lord.

*Report of the Committee* It does not appear that a formal report was presented to the Council, but the Bill received its Second Reading on 8 June 1848/41 when some amendments were made. It was *passed* on 9 June 1848/42, a few days before the end of the Session.

## Session of 1849

### 1849/3        **COMMITTEE TO PREPARE AN ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH OPENING THE SESSION**

*Background* In accordance with established practice Governor Fitz Roy delivered a speech to the Council on the first sitting day of the Session, 17 May 1849/3, to inform the Council on proposed legislation and on other matters of interest. A Committee was appointed to prepare an Address in Reply.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); Charles Cowper; Robert Lowe; George Allen; Stuart Alexander Donaldson; Donald Macintyre; James Macarthur.

*Report of the Committee* After the Governor's Speech, the Council adjourned between half past twelve o'clock and three o'clock. After resumption the Speaker read the Governor's Speech, and then read the suggested Address in Reply. It was formally adopted by the Council and arrangements were made for it to be presented to the Governor on 22 May 1849/4. The Address noted that the Governor had referred to the recent and continuing financial depression but hoped that this would be only temporary. The substantial rise in the population due to the resumption of immigration was welcome and the Council would examine ways in which further immigration could be paid for. The Council noted that despite the financial depression the Revenue had not diminished; that the District of Port Phillip was about to become a separate Colony; that the development of steam communication with England by way of Singapore and Torres Strait was in progress; and that the Admiralty would make "a fair contribution" towards the Cockatoo Island dry dock. The Council also noted with approval the proposal for a uniform rate of postage. It would give due consideration to the question of the resumption of transportation and would advise the Governor of its views on this.

### 1849/3        **COMMITTEE ON STANDING ORDERS**

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Charles Cowper; Henry Watson Parker (who was also appointed, on the same day, as Chairman of Committees of the Whole Council); James Macarthur; Robert Lowe; Stuart Alexander Donaldson; The Colonial Secretary (Edward Deas Thomson).

*Report of the Committee* Draft Standing Orders were tabled 29 May 1849/4. They were considered by the Council in Committee on 30 May 1849/5 and on 1 June 1849/9, and were approved with amendments. [The Standing Orders appear at the front of this volume of the Votes and Proceedings, and are periodically updated although not every printed volume contains the Orders in force for that year. A practice developed of appointing a Standing Orders Committee at the beginning of each Session.]

1849/4            **COMMITTEE ON THE CORPORATON OF THE CITY  
OF SYDNEY**

*See also* 1842/8, 1845/31, 1849/4, 1852/22

*Background* There was great dissatisfaction in the Colony concerning the Sydney Corporation. The Corporation itself in April 1849 had stated that “while the present position of the Council is one of indebtedness, looking at its future duties and its prospective resources, that position becomes one of virtual insolvency”. In view of this and the general unease among the public, the Council, on the motion of Robert Lowe, appointed a Committee “to inquire into and report on the working of the Corporation of the City of Sydney”.

*Members of the Committee* James Macarthur; Charles Cowper; The Colonial Secretary (Edward Deas Thomson); Robert Lowe; John Lamb; William Charles Wentworth; The Speaker (Charles Nicholson); James Martin.

*Witnesses examined by the Committee* Joshua Frey Josephson, member of the Corporation and former Mayor; Thomas Broughton, member of the Corporation and former Mayor; James Robert Wilshire, member of the Corporation and former Mayor; Thomas Cowlshaw, master builder and former City Councillor; Edward Flood, [at the time] Mayor of Sydney; Richard Driver, member of the Corporation; John Rae, Town Clerk; William Charles Wills, former assistant to the Town Clerk, and Mayor’s Secretary; The *Revd* Ralph Mansfield, Secretary to the Gas Company; Gilbert Wright; Isaac Aaron, surgeon; Edward Lord, City Treasurer; Henry Hollinshed, former member of the Corporation; Elias Carpenter Weekes; F W Sheilds, civil engineer and former City Surveyor; John Henderson, former member of the Corporation; Samuel Bailey Dowsett, reporter of the proceedings of the Corporation; William Thurlow, member of the Corporation, and member of the Corporation’s Improvement Committee; Arthur Savage, Health Officer of Port Jackson; Henry Fisher, Alderman in the Corporation, and Chairman of its Water Committee and Lighting Committee; Archibald Michie, barrister.

*Report of the Committee* The Committee reported on 2 August 1849/44 and the Report and Minutes of Evidence were ordered to be printed. The Committee said that “it is quite clear from the evidence taken before your Committee, that the working of the Corporation has been unsatisfactory to the public; it is equally clear from these extracts that its working has been unsatisfactory to itself”. It noted that the witnesses who believed that the Corporation should be allowed to continue in its present form contended that its poor performance derived solely from the “cumbrous machinery imposed upon it by [its] Act, and the absence of legitimate endowments”; by the latter it was meant that the Corporation needed more money to do its job. The Committee remarked that if these were the only causes, they could be addressed by an augmentation of the income (noting that the Corporation had an unused “power of taxation to the amount of £18,000 a year”), and a simplification of the “machinery” provided for in the Act. However, the salaries paid to the Mayor and other officials amounted to one third of revenue, “a prodigality which, considering the state of their finances, might well have been spared”. The Committee went on to observe that “The financial management...appears to have been slovenly and un-business like in the extreme. No check whatsoever was provided against frauds by the collectors of rates and fees...and when the natural results of this utter want of care and vigilance had taken place, and some collectors were found to be in arrear, they were still permitted to continue in their

offices, till they became defaulters to an amount which the looseness of the systems renders it impossible to ascertain.” Capital works were not carried by contract, but “were caied at much greater expense by day labor; and this labor not selected, as it appears, from the best that could be procured...the preference being given to persons of weak health or large families, and sometimes, it is to be feared, to tenants of Members of the Corporation, who thus made their patronage as employers of labor instrumental to the payment of their rents”. While the formation and repair of streets in “some of the of the most central thoroughfares of the City have been neglected, streets in its most remote outskirts, possessing no other recommendation than their vicinity to the property of Aldermen and Councillors, have been formed at a considerable expense...In the meanwhile, the Corporation have done little for the lighting of the City, except involving themselves in discreditable and unsuccessful litigation, and entering into a contract with the Gas Company for a number of additional lamps which they almost immediately repudiated...Possessing a large endowment in the shape of the revenue derivable from water, which had been conducted into the City by the Government at great expense, they have done their best to limit the supply by extortionate charges, and have done nothing to secure to the City an increase of this necessary element proportionate to its growing population. For the sewerage and drainage of the City they have absolutely done nothing...The manner in which the Council [of the Corporation] performs its business is highly objectionable...Thus it appears that whatever may be the defects of the machinery, and how inadequate soever [*sic*] the means of the Corporation, these are but secondary and minor defects compared with the gross and palpable misconduct of the Corporation itself, which neither used ordinary care in collecting, ordinary fairness in expending, nor ordinary diligence in improving its revenues; and while to give additional endowment to such a body would be manifestly improper, to allow it to remain in its present position would be to declare that the Citizens shall derive as little benefit as possible from the sums they contribute...this body has entirely lost the confidence of the Citizens, and is regarded as an impediment to the improvement of the City.” The Committee went on to say that they “are most anxious to recommend, as a substitute for the present Corporation, some body which will efficiently carry out the improvement of the City. [However] from the unwillingness of the more respectable class of Citizens to come forward, from the almost uniform ill success they have met with when they have done so, from the apathy displayed by the Electors, and from the presence of local and party influences...they have been led unwillingly to the conclusion, that no elective body could reasonably be expected to be formed sufficiently free from the defects of its predecessor, to deal with abuses of the present system, with the requisite vigour, ability, and unanimity. Your Committee do not however wish to see the management of the City of Sydney placed in the hands of the Executive Government. Your Committee therefore propose a middle course, and suggest that the appointment of the proposed Commissioners should be vested in the Governor and Legislative Council, as being, on the whole, the least objectionable depository of such patronage...Your Committee therefore recommend; 1<sup>st</sup> That the present Acts incorporating the Citizens of Sydney be repealed; 2<sup>nd</sup> That an Act be introduced appointing three Commissioners...in whom shall be vested the powers of lighting, paving, draining and supplying with water, the City of Sydney; 3<sup>rd</sup> That the local revenues, now vested in the Corporation, be vested in these Commissioners; 4<sup>th</sup> That a uniform rate for the purposes before mentioned be imposed by an Act of Council; 5<sup>th</sup> That the accounts of the Commissioners be published quarterly, and their minutes of proceedings and account books be open to inspection by any Magistrate, or Member of the Executive or Legislative Councils, and that their proceedings be annually investigated by a Committee of the Legislative Council; 6<sup>th</sup> That the present system of collecting rates be discontinued; that all rate payers be required to

pay them into the Banks, to the account of the commissioners, upon notice, and in default of payment distress warrants shall issue". These were indeed strong words, calculated to raise the ire of many who had profited from the existing arrangements, and perhaps to give some hope to the Citizens of Sydney that things might at last improve. It took less than three weeks...On 17 August 1849/53 William Charles Wentworth presented "a Petition from the Mayor, Aldermen and Councillors of the City of Sydney, praying that the Council will suspend any proceedings with respect to the Report of their Select Committee on the City Corporation, for such reasonable time as will enable Petitioners to take such steps as seem to the meet for the maintenance of their own dignity and the welfare of the City". The Petition was formally received by the Council (Ayes 11, Noes 8). On 7 September 1849/65 Wentworth presented a Petition "from certain Citizens of Sydney against the adoption of the recommendations contained in the Report from the Select Committee..." On the same day Robert Lowe presented a Petition "from certain Citizens of Sydney, praying the repeal of the Sydney Corporation Act and the passing of an Act constituting a body to be elected by the Citizens with a Franchise such as obtains in the Municipalities of the Mother Country and with powers efficiently to carry out the improvement of the City". Both Petitions were received by the Council.

#### **1849/8            COMMITTEE ON THE QUALIFICATIONS OF JAMES MARTIN**

*Background* On 15 May 1849/1 the elected members of the Council were sworn in; each swore to a statement that he was the freeholder of property with a minimum value of £100 sterling. One of these was James Martin, elected as the Member for the Electoral District of Cook and Westmoreland On 31 May 1849/8 William Bowman moved, following his tabling of a Petition the previous day "from certain Electors [of that District]...praying Inquiry into the qualifications of the sitting Member for that District...[that the Petition] be referred for investigation and report by a Select Committee". A Committee was then duly appointed.

*Members of the Committee* William Bowman; Charles Cowper; Robert Lowe; Lachlan McKinnon; William Charles Wentworth; Terence Aubrey Murray; John Lamb.

*Witnesses examined by the Committee* ["Archibald Michie, Barrister, appeared as Counsel and Gilbert Wright as Solicitor on behalf of the Petitioners. The Chairman (William Bowman) stated that although the Committee had consented on the present occasion to allow Counsel to appear on behalf of the Petitioners, it was to be understood that this must not, on any future occasion, be cited as a precedent.] Thomas Henry Nutt, clerk in the Surveyor General's Department; George William Newcombe, clerk in the Colonial Secretary's Office; Gilbert Wright, solicitor of the Supreme Court; George Philip Foster Gregory, Prothonotary of the Supreme Court; Theodore James Jaques, clerk in the Registrar General's Office; James Elliott, Attorney of the Supreme Court; Thomas Brown, Bailiff of the Supreme Court; John Rae, Town Clerk of Sydney; William Calder, resident of Harrington Street; Edward Byers, resident of Harrington Street; Charles Price, resident of Harrington Street; John Grenald, resident of Harrington Street; John Martin, resident of Harrington Street; Maria Smith, resident of Harrington Street; Joseph Morton, resident of Harrington Street; Ephraim Johnson, resident of Harrington Street; John Taylor resident of Harrington Street; William Macpherson, Clerk to the Legislative Council; Robert Archibald Alison Morehead, Michael Gannon, Trustee of the Will of William Reynolds; Frederick Wright

Unwin; Edward James H Knapp, surveyor; Thomas Ryan, Trustee of the Will of William Reynolds; Cornelius Ryan, messenger to the Legislative Council.

*Report of the Committee* Although on 12 June 1849/14 seven separate Petitions representing a total of 73 electors of the Electoral District of Cook and Westmoreland had been received by the Council, .on the following day, 13 June 1849/15, the Committee reported “that, in their opinion, Mr Martin has not the qualification described in the Declaration delivered by him to the Clerk of the Council on the 15 May 1849; that the freehold of a large portion of the property described in that Declaration never was vested in Maurice and Margaret Reynolds; that the value of the three freehold houses which were vested in Maurice and Margaret Reynolds is considerably under £100 per annum; and that if Mr Martin have obtained from Maurice and Margaret Reynolds, or either of them, a conveyance of such property, such conveyance has been collusively and colourably obtained”. The Committee recommended “that an Address be presented to...the Governor, transmitting a copy of this Report and the Evidence taken...for the information of His Excellency.” The clear implication was that Martin should not hold his seat in the Council. Earlier in the sitting Mr Fitzgerald had presented a Petition from the electors of the seat to which Martin had been elected, “praying the Council to proceed no further with the Petition...” On 15 June 1849/17 Martin was given the opportunity “to address any observations he may have to make to the Council”, which he proceeded to do before he withdrew from the room. Regrettably the record of the proceedings does not tell what Martin said, but obviously the Council was not impressed, for it resolved that the proposed Address and the Report be sent to the Governor, requesting him “to take such steps as in the opinion of His Excellency are required by Law in respect of the Election of James Martin as Member for the Electoral District of Cook and Westmorland”. The Governor replied by Message on 19 June 1849/18: “The Governor conceives that the proper course for him to adopt will be to refer to the decision of the Legislative Council the following question, namely--Whether the election of James Martin...is void on account of...[him] not being qualified according to the true intent and meaning of the 5<sup>th</sup> and 6<sup>th</sup> Victoria, Ch.76. This question therefore His Excellency hereby refers to the decision of the Council”. The Message was ordered to be printed, together with an opinion by the Solicitor General which the Colonial Secretary tabled, and a protest from the sitting member for the Electoral District. The matter was considered by the Council on 20 June 1849/19 and resolved “that this Council having fully considered the question submitted to them by the Governor...is of opinion that the Election of James Martin ...is void on account of...[him] not being qualified according to the true intent and meaning of the Act...” Mr Martin then addressed the Council, and afterwards was required to withdraw from the Chamber. After debate the Council resolved that its Address to the Governor be presented by the Speaker (Charles Nicholson). On 21 June 1849/20 he was able to inform the Council that the Governor had “issued a Writ for a New Election.” The Speaker then took notice that there was a stranger present, whereupon Mr James Martin was accordingly removed by the Sergeant-at-Arms. Martin contested his seat again, successfully. He reappeared in the Council on 11 July 1849/31, having made a Declaration that he was “duly seized at Law or in Equity of an Estate of freehold...of the yearly value of one hundred pounds...[being] a piece of land with...an inn...known as the sign of the Woolloomooloo Inn situate at the corner of William-street and Brougham-street...” It is unknown whether this was a purchase subsequent to his first election being declared void.

## 1849/10 COMMITTEE ON THE SYDNEY RAILWAY BILL

*See also* 1848/3, 1850/36

*Background* For a detailed account of the “practicability and expediency of introducing railways into this Colony” *see above* 1848/3 Report of the 1848 Committee. There had been a good deal of public interest in the proposal, and a committee of citizens and others had been formed. The 1848 Committee had suggested Government support, with a possibility of an injection of capital and a guarantee of a reasonable rate of interest to investors. In his opening address to the Council on 17 May 1849/3 Governor Fitz Roy had referred to Despatches from the Home Government on the subject of railways, together with correspondence “with the Provisional Committee of a Company intended to be established in the Colony for the formation of Railroads between Sydney and the Southern and Western Districts”. On 29 May 1849/6 Charles Cowper was granted leave to introduce *A Bill to Incorporate the Sydney Railway Company*, a Petition from members of the Company having been received on the same day. On 30 May 1849/7 the Colonial Secretary tabled the documents referred to by the Governor and these were printed. On 1 June 1848/9 *A Bill to Incorporate a Company to be called ‘The Sydney Railway Company’* had its first reading. On 5 June 1849/10 on the motion of Cowper the Council appointed a Committee to consider the Bill and report on it. [*See below Report of the Committee* for the re-appointment of the Committee and its further Report].

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Colonial Secretary (Edward Deas Thomson); James Macarthur; Terence Aubrey Murray; The Speaker (Charles Nicholson); John Lamb; William Henry Suttor; Charles Cowper.

*Witnesses examined by the Committee* James Norton, Solicitor to the Sydney Railway Company; Charles Cowper, Chairman of the Provisional Committee of the Sydney Railway Company; Francis Webb Shields, Engineer to the Sydney Railway Company; William Sprott Boyd, former Director of Railway Companies in England and Scotland; Samuel Lyons, auctioneer; Thomas Sutcliffe Mort, auctioneer; Edward Knox, Manager of the Commercial Banking Company.

*Report of the Committee* On 11 July 1849/31 Mr Lamb as chairman brought up the Report and Evidence. “Your Committee have, at the request and with the consent of the promoters...and for the greater security of the public, caused several new clauses to be added to the said Bill” The Bill was reprinted to incorporate the new clauses. The Committee found that the amended Bill was in conformity with the “rules and directions contained in a Despatch from the...Secretary of State for the Colonies [of] 15 January 1846, and should be passed”. On 12 July 1849/32 the Council received, by Message from the Governor, a Despatch from the Secretary of State, dated 8 February 1849. The Committee was re-appointed on 18 July 1849/35 “with a view to refer, for their consideration and report, the Despatch...” The Committee reported on 17 August 1849/53. It noted “that whatever alterations may have taken place in His Lordship’s views since his Despatch of 16 July 1848, His Lordship still attaches considerable importance to the decision of the Colonial Legislature; and that, though His Lordship has modified his views...he seems prepared to acquiesce in the plans which may, upon full consideration, be determined upon by the local authorities”. The Committee observed that the Secretary of State appeared to favour a plan by which “the Legislature should borrow the money required for the construction of the line, and after its completion, should let the working of it to a Company by public competition...Your Committee do

not hesitate their conviction that the Government have no proper machinery for the adequate discharge of such a task; and therefore, were the Executive to undertake a work of this magnitude, an entirely new and distinct department would have to be created". The Committee was clearly of the view that the Government had a poor record of controlling public works already completed by contract. Neither did they consider desirable a proposal by the Secretary of State "that the moiety of the receipts [i.e., one half] from the sales of all lands situated within twenty miles on each side of the line of Railway should applied to pay off the debt incurred in its construction, if the Government should undertake the work...Your Committee...conceive that the least possible concession that ought to be granted by the Government to any well matured scheme, would be a guaranteed dividend of 4 per cent per annum. Considering that it is the Crown Land revenue that will be more immediately benefited...the charge for this guaranteed interest should be upon the Land Fund, and in perpetuity...because it would give to the security that character which will justify the investment by Trustees of Trust Moneys, from which source considerable funds may be expected...[However, the Committee believed] that in point of fact the Government will not be called upon to make any payment...beyond a very brief period. The evidence given on the Sydney Railway Bill shews...that there can be no reasonable doubt that a rate of profit would accrue from the enterprise which would exempt the Crown from all liability arising from its guarantee...by adopting a permanent guarantee under which...interest only would be payable, means might be afforded to the Government of giving similar encouragement for the establishment of Railways in each of the three great Districts of the Colony". The Committee suggested that money lying idle in the Colony, and money invested in the English Funds brought to the Colony, might be invested in Railways. "The low rate of dividend assured [by the Government's guarantee of a minimum dividend] would afford every stimulus to prudence and economy, as no proprietary company would be content with a rate of interest so inadequate for their investment, when it might be increased by increased vigilance, more decided economy, and more effective management...The deliberate conviction of your Committee, therefore is, that the introduction of Railways into this colony can best be effected by the energy and enterprise of private individuals...a guarantee by the government, under the conditions above specified is indispensable to the success of such an undertaking...[and] that as regards the welfare of this Colony in all its relations social, moral and political, every facility should be given to the establishment of Railway communication; and they therefore urge upon the Council and the Government the sound policy of giving immediate effect to the recommendations herein contained." On 28 August 1849/58 the Council adopted the recommendations of the Committee; an Address was to be presented to the Governor. On the same day the *Sydney Railway Bill* had its second reading; it was considered by the Council in Committee on 4 September 189/62 and some amendments were approved, and on 7 September 1849/65 it was *passed*.

## 1849 / 11      **STANDING ORDERS COMMITTEE**

The Committee was reappointed with the following membership: The Speaker (Charles Nicholson); Charles Cowper; The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; Robert Lowe; James Macarthur.

## 1849/11      **COMMITTEE ON DARLINGHURST GAOL**

*Background* Although most of the other gaols in the Colony appeared to be reasonably well managed, there were grave concerns about the Gaol in Sydney. On the motion of Charles Cowper, a Committee was “appointed to inquire into the discipline and security of the Darlinghurst Gaol”.

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Robert Lowe; William Charles Wentworth; George Allen; William Macarthur; William Bowman; George Robert Nicholls; Lachlan McKinnon.

*Witnesses examined by the Committee* Henry Keek; Joseph Long Innes; James Alexander; John Joseph Clayton; James Kelly; Michael Desmond; Samuel Donaldson; Elias Hibbs; Philip Macdermott; Samuel Shearson; Mary Desmond; Henry Thomas; Thomas Easton; John Michael Fitzsimmons; William Lane; Bartholomew O'Brien; James Coops; Edward Honner; James Jones; John Sharkey; Mortimer William Lewis; Daniel Meehan; Gilbert Elliott; Thomas Allen; Matthias Partis; Adolphus William Young; William Annet Falconer Townend; James Callwell; George Wilkie; George Allen; Jeremiah Daly; Benjamin Simms; David Gwynne; Kitty Jack; *Revd.* James Fullerton.

*Report of the Committee* The Report of the Committee was tabled on 22 August 1849/55 and was printed together with the Minutes of Evidence. The Committee said that “It was their anxious wish to conduct the inquiry as an examination into the system of management which prevailed in the Darlinghurst Gaol, rather than it should assume the character of an investigation into the conduct of the officers and persons connected with that establishment...they considered it the most desirable course to take, first, the evidence of the Principal Gaoler and the Visiting Magistrate, and to obtain from them such information as they were able and willing to afford respecting the state of discipline and security of the Gaol...under the Rules and regulations published by the Executive Government...But the evidence which was subsequently tendered by other witnesses, forced upon your Committee the persuasion, that to obtain sufficient knowledge of what was really going on in the Darlinghurst Gaol, so as to enable them to judge of the system of management pursued in it, would require an elaborate and searching investigation; and after an examination of thirty-five separate witnesses, during nineteen days, it is with unfeigned regret that your Committee express their conviction that the evidence given by Mr Keek [the Principal Gaoler or Governor of the Darlinghurst Gaol] and Captain [Joseph Long] Innes, Visiting Justice to the Darlinghurst Gaol], so far as being calculated to make your Committee acquainted with the real state of the Gaol, was framed expressly with the intention of keeping them in ignorance respecting it, and of defeating the object of their appointment. By a comparison of the evidence given by Mr Keek on the 12<sup>th</sup> June with that of the 2<sup>nd</sup> August, and of Captain Innes' evidence of the 15<sup>th</sup> June with that given by him on the 1<sup>st</sup> August, and also by carefully comparing the evidence of Mr

Keck, given on both days, with that given by Captain Innes, your Committee can arrive at no other conclusion, than the object of these officers was to prevent them from obtaining an accurate knowledge of the flagrant abuses, which have been exposed by the other witnesses...Your Committee have been unable to discover any single circumstance connected with its discipline or management not deserving of reprobation. The general habits of Mr Keck and his subordinates appear to be those of open and undisguised licentiousness...An entire absence of discipline has been the natural consequence of such a state of things...To [various] startling proofs of the existence of corruption, your Committee have to add the still more glaring cases of prisoners under sentence to solitary confinement having been released and employed by Mr Keck to take part in musical performances given by him, from which they returned to their cells in a state of drunkenness. Others sentenced to hard labor...have been employed in horsebreaking, and attending picnics and fishing parties...expirees from Norfolk Island...have been allowed such unrestrained freedom, that they were enabled to perpetrate robberies and burglaries in various parts of the City...Without doubt the office of Visiting Magistrate was instituted by the Government with the especial design of preventing abuses such as those which have now been brought to light. Your Committee feel it, however, to be their painful duty to declare that not only has Captain Innes failed to check the system of debauchery, drunkenness, and irregularity of every kind described by the numerous witnesses, but has himself been the main cause of some of the more serious breaches of the law and of the Gaol regulations...Severe as this censure may be...it is completely borne out by the evidence appended to this Report.” [One could go on reproducing a myriad of further reported instances of the shortcomings of Captain Inness, and of Henry Keck, the Governor of the Gaol, and of prisoners being wrongly employed in activities in no way associated with the reasons for which they were gaoled, but space is limited. Suffice it to say that in the opinion of the present writer, no other such damning account by a Select Committee has come to his attention. The Report with the Minutes of Evidence take up over two hundred pages in Volume 2 of the Votes and Proceedings for 1849.] The Committee recommended the abolition of the office of Visiting Justice, and “see no reason why the Sheriff himself should not perform the duty which he states to belong to the office of Visiting Justice”. They recommend “the immediate dismissal of all who have been in any respect implicated in proceedings so disgraceful as those which have been at length exposed, or whose characters are such as to prove them unfit for the situations they hold”. There were nine of them, including Keck, the Governor of the Gaol. Cowper, as Chairman of the Committee, had placed on the Notice Paper on a number of occasions after the printing of the Report, a proposed Motion “That an Address be presented to...the Governor, transmitting a copy of the Report...[on] the state of discipline and security in the Darlinghurst Gaol, and requesting he [the Governor] will take immediate steps for carrying the recommendations therein contained into effect”. On 11 September 1849/66 Mr Cowper withdrew the motion on the ground that the Executive Government had already complied with the recommendations of the Select Committee.

## **1849/11 COMMITTEE ON CATARRH IN SHEEP**

*See also* 1832/29, 1835/31, 1838/10, 1845/5, 1849/45

*Background* The contagious diseases of sheep known as catarrh or influenza, and scab, had long been a problem for graziers and had been considered by Select Committees in previous years [*see above*]. A Public Notice dated 31 July 1848 had drawn attention to a

decision of the 1847 Council to offer “a premium [a prize] of one hundred pounds, to be awarded by a Select Committee of the Council, for the best practical essay on the subject”. By Message No. 5 of 22 May.1849/4 the Governor had referred the entries to the 1849 Council, noting that three of the essays had not been received by the due date of 31 December 1848, but leaving it to the Council to decide whether these late entries could be considered.

*Members of the Committee* Terence Aubrey Murray; The Speaker (Charles Nicholson); William Charles Wentworth; James Macarthur.

*Report of the Committee* The Committee reported on 3 October 1849/79 “that the Essay No. 6 signed ‘Deus providebit’ is that best entitled to the prize of £100...The Essay presents...an able and graphic description of the phenomena on the disease...and of the best practical means for counteracting of checking its progress...the remarks offered are based upon considerable practical experience in Australian sheep farming”. The Committee also remarked on “the very great merit displayed in several of the other Essays...These papers contain so much that is valuable, that considerable advantage might be derived from their publication in a cheap form, and in their being made generally accessible.”

#### **1849/12 LIBRARY COMMITTEE**

The Committee was re-appointed with the following membership: The Speaker (Charles Nicholson); Charles Cowper; The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); Robert Lowe; James Macarthur.

#### **1849/14 COMMITTEE ON THE WASTE LANDS OF THE COLONY**

*See also* 1829/4, 1839/1, 1843(2)/7, 1844/7, 1844/59, 1847/43

*Background* The ‘waste lands’ were the [Crown] lands not previously granted or purchased. Being ‘waste’, they were attractive to squatters. On 12 June 1849/14 Robert Lowe proposed the appointment of a Committee “to inquire into the management of the Waste Lands of the Crown, the appropriation of the Revenue derived therefrom, and the influence of such management and appropriation upon the Colonization of the Territory”.

*Members of the Committee* Robert Lowe; The Speaker (Charles Nicholson); Lachlan McKinnon; The Colonial Secretary (Edward Deas Thomson); Charles Cowper; James Macarthur; Edward Hamilton; William Charles Wentworth; John Fitzgerald Henry Foster (added to Committee 24 July 1849/38).

*Witnesses examined by the Committee* John Badcock (Secretary to the Colonization Society); Thomas Blake Duggan (of the lower Murrumbidgee River area); John M’Kirdy (Master of the immigrant ship *Mary Bannatyne*); John Duncan (chief officer of the *Mary Bannatyne*); Jacob Meade Swift (Surgeon Superintendent of the *Mary Bannatyne*); Francis Lewis Shaw Merewether (Immigration Agent); James Beuzeville (silk merchant and silk grower); Thomas Bowden (sugar cane grower at Moreton Bay).

*Report of the Committee* The Committee reported on 3 October 1849/79, and the Report and the Evidence were ordered to be printed. It commenced with a preamble: “The...inquiry entrusted to your Committee...is really nothing but a inquiry into the most appropriate means of Colonization. The management of Crown Lands and the appropriation of their revenue, must be pronounced good or bad with reference to the manner in which they satisfy this test. The system of selling land for the price of twenty shillings an acre may have various good effects, such as, for instance, the checking of speculation. The system of leasing Crown Lands may have the good effect of encouraging the pastoral interest; but these systems are not, therefore, to be pronounced good, unless they promote to the utmost that which ought to be the end of all such systems—Colonization.” The Committee then explored at some length (1). The sale of land; (2). The temporary occupation of lands; (3). The present appropriation of the land fund; (4). The claim of the Council to the management of Crown Lands and the appropriation of the land fund. In respect of (1) *The sale of land*, the Committee noted that the Select Committee of 1847 had argued strongly against the rise to twenty shillings an acre, but that the Land and Emigration Commissioners in London had combated the argument “with much ingenuity and plausibility”. Nevertheless, as if indeed it needed by said again to the Council, in New South Wales where “there is but one opinion upon the subject, an opinion entirely adverse to the price of twenty shillings per acre, which is not merely high, but prohibitory. The Colonial Minister [i.e., the Secretary of State for the Colonies] must not deceive himself by supposing that he is siding with a party in the Colony who hold opinions identical with his own. Those who approve of a high price in the Colony, are generally advocates for a return to the price of five shillings an acre; those who approve of a low price would put up the land at a farthing an acre, and allow its value to be determined by competition. There are no advocates of a prohibitory price.” Furthermore, the assumption by the Land and Emigration Commissioners that most land in the Colony was equally suitable for agriculture as for grazing was seriously flawed. The Commissioners thought that a high price would reduce speculation in land, but “land speculation fell at the same time with other speculations in this Colony; but unlike other speculations, it never rose again”. The Committee conceded that “Admitting that it was wise to pass a law to check speculation in land, may it not be wise to relax that law, now that speculation has passed away, and the consequent depression has lasted so long that it has become a chronic state of the public mind?” As to (2). *The temporary occupation of lands*, the Committee addressed its remarks chiefly to the difficulties which arose out of the regulations under the Land Sales Act: “In considering the temporary occupation of Crown Lands, your Committee observe that the prohibitory minimum price [of twenty shillings an acre] renders this subject both important and complicated; important, because the terms of an occupation which is to last till an impossible event becomes in reality the permanent conditions of the tenure of landed property; and complicated, from the vain attempt to engraft an equitable and coherent system on a principle manifestly erroneous and impracticable.” There seemed to be, the Committee observed, “among the squatters themselves an increasing feeling of dissatisfaction with the benefits offered to the squatters...first, a renunciation of the claim to increase their license fees at the will of the Government; secondly, compensation for improvements; thirdly, a pre-emptive right at one pound per acre; fourthly, a lease for eight or fourteen years, according as the run is situated in the intermediate or unsettled districts. The first two are so obviously just and reasonable, so easily carried out, and so beneficial in their effects, that no one could reasonably suggest an alteration in them. But the third...is...utterly illusive and valueless; and the fourth is...a very questionable advantage”. [The whole of the argument is too long, and too complicated, to summarize here and the reader will have to go to the original.] (3). *The Present Appropriation of the Land*

*Fund.* The Committee believed that the practice of expending the land fund in a hit or miss manner meant that the Colony did not have a continuous stream of immigration: “The resumption of immigration is a cause of panic to the laboring classes; its discontinuance, to the employers of labor. Immigration comes to be looked upon as an occasional incident rather than as a necessary part of Colonial administration. As the tendency in the Colonial labor market is invariably in favor of the laborer, the cessation of immigration is attended with the most disastrous results for the employer of labor. It appears...that...[when] the land fund [is] exhausted...while the demand for *rural* labor remains unabated...the Committee cannot regard with apprehension the prospect of a total cessation of immigration.” It followed, the Committee thought, “that the time has arrived when the importation of immigrants to New South Wales, entirely at the expense of the Colony, ought to cease...no Colonial funds [should] be advanced for the purpose...unless they both satisfy the regulations at present in force with regard to persons brought out at the expense of the Colony, and are also able to contribute something towards the expense of their passage...The only labor which the Colony requires to be brought out at its expense, is pastoral and agricultural; mechanics it already possesses in abundance”. Particular mention was made of the practice of using immigration to the Colony as a stepping stone on the way to the Californian gold fields, despite undertakings required and given by emigrants, that they were willing to work for wages in the Colony; it was therefore a recommendation that such persons should be required to refund their passage money if they left before serving a reasonable time in the Colony. (4). *Claim of the Council to the Crown Lands Revenue.* If the Council were given the power to amend the relevant sections of the Imperial Acts 5 & 6 Vic and 9 & 10 Vic to enable it to approve various enterprises: “If this be not done, numberless applications to the Imperial Parliament will become necessary: a Railway cannot be established without one Imperial Act, a University cannot be endowed without another...Your Committee, therefore, recommend that the power of carrying out the appropriation of the land fund...should be vested in your Honorable House, as the body best qualified to control the expenditure on public works and departments--...most fit to represent the Colony in any negotiation [*sic*] with the Home government on the subject of emigration—and best able to decide between the community and the individual in any local question in which their interests may be supposed to clash—and most interested in spending the land fund for the purpose of Colonization.”

## 1849/15 COMMITTEE ON THE DRY DOCK

*See also* 1847/18, 1852/20

*Background* On 1 June 1847/12 Governor Fitz Roy informed the Council by Message, that he had received from the Secretary of State “relative to the construction of a Dry Dock on Cockatoo Island...a Plan and Estimate...of the cost of the undertaking”. A Committee had been appointed [in 1847/18] to “report upon the expediency of undertaking the execution of this work on the scale proposed...” This Committee had recommended that the work should go ahead as it “would be of great and permanent advantage to the Colony”, even though at that stage the Imperial Government had given approval on condition that the cost would be met from Colonial funds. Sums of money had already been voted in 1847 and 1848 and the work had commenced. In his Address at the commencement of the 1849 Session the Governor advised the Council that the Admiralty would meet a part of the cost of the dock, provided that it met certain criteria which included the size of vessels which could use the dock, and priority for naval ships.

On 13 June 1849/15, on the motion of the Colonial Secretary, the Council resolved to appoint a Committee “to inquire into a report upon the proposal of the Lords Commissioners of the Admiralty”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Colonial Treasurer (Campbell Drummond Riddell); John Lamb; The Collector of Customs (John George Nathaniel Gibbes); Terence Aubrey Murray; William Macarthur.

*Witness examined by the Committee* Gother Kerr Mann, Assistant Engineer at Cockatoo Island.

*Report of the Committee* The Report was tabled on 4 September 1849/62 and was printed. The Committee was of the opinion that “the proposal of the Lords Commissioners of the Admiralty ought to be immediately embraced, and they express their earnest hope, that the Legislature and Government of the Colony may thus be induced to carry out a design that, from its magnitude and importance, may fairly be regarded as one of a national character...the proposed Dock is to be constructed with a view to its application *jointly* to the service of the Royal and Mercantile Navy...it would appear to be only fair, that some portion of the expense to be incurred in the general design, should be provided out of Imperial funds...the increase in the dimensions proposed by the Admiralty [to allow the docking of a large steamer, or a fifty gun frigate] will entail an additional expenditure of upwards of £3,000...[a condensing steam engine for forty horsepower and an iron plate caisson] should at once be procured from England. Without being able to estimate the precise cost...your Committee suggest that they might be purchased on account of, or in substitution for, the parliamentary grant that has been promised...as the progress of the works will be retarded, and their completion absolutely prevented, by the non-arrival of the caisson and the engine, your Committee would urge the importance of forwarding to England the requisite plans, and making all necessary arrangements for the importation of the articles...without delay. The construction of a Dry Dock and Naval Depot in Port Jackson is, doubtlessly, an undertaking of great importance. In none of the dependencies of the Crown throughout the southern hemisphere is there a Dock in which a man of war can refit. There are few localities...where all the requirements for a dockyard and naval arsenal can be more readily found than in the Port of Sydney”. In addition, the Committee thought it desirable for Mr Mann [the assistant engineer] to go to Van Diemens Land to consult with the Lieutenant Governor, Sir William Denison, about what was proposed for Cockatoo Island: Denison “was the engineer employed by the Admiralty in the construction of their Docks at Home” and was considered the highest authority on such matters. On 13 September 1849/68 the Council adopted all the recommendations of the Committee, and resolved to request the Governor to take the necessary steps to put this into effect. This the Governor, by Message no. 51 of 19 September 1849/71, undertook to do.

## **1849/25 COMMITTEE ON THE ABORIGINES AND THE PROTECTORATE SYSTEM**

*See also* 1838/23, 1839/8

*Background* On 29 June 1849/25 John Fitzgerald Leslie Foster moved “That a Select Committee of five Members be appointed to inquire into the state of the Aboriginal

Inhabitants of this Colony, more especially with regard to the success or failure of the present Protectorate system in Port Phillip". A Committee was elected by ballot.

*Members of the Committee* John Fitzgerald Leslie Foster; John Dickson; William Macarthur; Edward Hamilton; William Henry Suttor; Charles Cowper; Henry Moor (added to the Committee on 3 August 1849/45)

1.

*Witnesses examined by the Committee* Revd John Ham (formerly resident at Port Phillip); Revd George King (formerly of the Swan River, Western Australia).

*Replies to a Circular Letter* [The Clerk of the Legislative Council (William Macpherson) had sent a circular letter to Magistrates in the Port Phillip District asking for replies to the following questions: 1. Have you had any and what opportunity of observing the working of the present Protectorate? 2. In your opinion has it been effectual or the reverse? 3. To what circumstances do you attribute this result? 4. Do you think the same amount of money could be more efficiently applied towards the same objects? 5. How many instances do you know of your own knowledge in which aboriginal natives have abandoned their own habits, and adopted those of civilized life, and in what respect? 6. How many instances in which they have embraced the belief or practice of Christianity, and to what extent? 7. In your opinion is the condition of the aborigines improved or deteriorated during the last ten years? 8. To what cause do you attribute this result? 9. Have you any suggestions to make as to any improvement in the present, or formation of a new system?] Replies were received from James Blair, of Portland; Henry Condell, of Melbourne; James Moncton Darlot, of Brighton in the Wimmera District; Foster Fyans, Commissioner of Crown Lands in the Portland Bay District; Adolphus Goldsmith, of Trawallo; Charles James Griffith, of Glenmore, Bacchus Marsh; Robert Hamilton, of Polkimon; Alexander Irvine, of Glenlogie, Pyrenee; Henry Charles Jeffreys, of Kyneton, Mount Macedon; Thomas Learmouth, of Bunnibyong; Charles George N Lockhart, of Tallundoon, Little Hume River; Hugh Lawrence M'Leod, of Benyeo; James Moor, of Glenmore; John Murchison, of King Parrot Creek, Goulburn River; James Frederick Palmer, of Yarra Yarra River; Charles Payne, of Melbourne; Arthur Pilleau, of Hillgay, Wannon River; John Ritchie, of Urang Urangon, Port Fairy; George Russell, of Golfhill, River Leigh; William Rutledge, of Port Fairy; William Taylor, of Langerenong, Wimmera District; Alfred Taddy Thomson, of Yall-Poura, Fiery Creek; E B Addis, of Geelong; Thomas Manifold, of Grasmere, near Port Fairy; James Wilson, of Talangatta, Hume River; Horace Flower, of Portland; Hugh Murray, of Lake Colac; G S Airey, of Killingworth, Goulburn River; Edward Grimes, of Broken River; W H F Mitchell, of Mount Macedon; James Webster, of Mount Shadwell; J C Riddell, of Mount Macedon; George E Mackay, of Warouly, Ovens River; H E Pultney Dana, Commandant Native Police; James Macarthur; D E Stodart, of Corunnun, Lake Coragamite; J N M'Leod, of Taharra, Grange; C H Macknight, of Dunmore; Jno Von Steiglitz, of Ballanee Ballan; H W H Smythe, of Benalla; Robert Burke, of Mount Fyans; W Wilson, of Lismore, Richmond River; F A Powlett, Commissioner of Crown Lands; A M M'Crae, of Arthur's Seat.

*Report of the Committee* The Committee Report and Minutes of Evidence, together with the replies to the circular letter, were tabled on 4 September, 1849/62 and ordered to be printed. The Committee informed the Council that "the extended nature of the question submitted to your Committee and the great difficulties which are admitted by all to encompass any plan for the amelioration of the condition of the Aborigines of Australia, determined your Committee to limit their inquiry...to what appeared to be the primary object of their appointment, namely, namely, the working of the present Protectorate system in Port Phillip". The Committee only examined two witnesses, the clergymen

John Ham and George King, otherwise relying on the replies from the Port Phillip magistrates to the circular letter. Ham had been, until 1847, a clergyman in Melbourne who had been the Chairman of a Committee to oversee a school for aboriginal children at Merri Creek. He told the Committee that there had been about twenty-two children at the school at one time but he now understood that the number had fallen to five or six. He still felt that such a school could assist in “civilizing, and Christianizing” children but thought that adults would not respond. Asked about the Protectorate, however, he had no doubts: “Do you think the Protectorate has answered the expectation of its founder? I do not think it has. Has the system proved a failure? I think it is a failure—whether a total failure I will not say”. King, who had spent seven years in charge of a school for aboriginal children at Fremantle in Western Australia, when asked about the Protectorate system in Western Australia, replied that the Protectors, whose duties were supposed to be “the protection of the natives against the injurious treatment of Europeans...complain that that they have very little to do and scarcely know what their duties are”. Of the documentary evidence, apart from the replies to the circular letter, the Committee of course had the Despatch (No. 24 of 11 February 1848) from Earl Grey, Secretary of State for the Colonies to Governor Fitz Roy, and perhaps more significantly, a letter from La Trobe, Superintendent at Port Phillip, to the Colonial Secretary in New South Wales (No. 48-1148 of 18 November 1848). He said “the cost of maintenance of the Protectorate [which had been established in 1838] amounted to no less a sum than forty-two thousand two hundred pounds, and that of the Native Police to eleven thousand one hundred pounds—making a total expenditure of sixty-one thousand pounds in thirteen years. Every one of these plans and arrangements [for schools, reserves, homesteads] made for the benefit of the Aboriginal Native, with exception of...the Native Police, perhaps, has either completely failed, or shews at this date most undoubted signs of failure...” La Trobe said that the Protectorate had failed in achieving any of its major objects; the Wesleyan Mission had failed: “...not a single individual has been either Christianized or civilized...the Aboriginal School is still carried on at such times as the attendance of any of the Native children can be secured, but...it is not hazardous to predict its ultimate failure also.” On the basis of all this information, the Committee “have come to the conclusion that the present system of protection of the Aborigines has totally failed in its object. Some of the evidence shews it to have been useless; while other witnesses state that its effect has been prejudicial to the objects of its care...Your Committee regret that although they are compelled to advise the abolition of the present system, they are unable to recommend any other as a substitute...The total failure of all plans heretofore attempted, and the great expense already incurred...incline your Committee to recommend that no hasty steps should be taken towards the introduction of a new system until more mature consideration can be given...without underrating the philanthropic motives of Her Majesty’s Government in attempting the improvement of the Aborigines, much more real good would be effected by similar exertions to promote the interests of religion and education among the white population in the interior of this Colony, the improvement of whose condition would, doubtless, tend to the benefit of the Aborigines”. No new Committee was appointed in either 1850 or 1851.

## **1849/25 COMMITTEE ON THE GAS COMPANY’S BILL**

*Background* On 13 June 1849/15 John Bayley Darvall obtained leave to bring in *A Bill further to amend...An Act for Lighting with Gas the Town of Sydney, in the Colony of New South Wales, and to enable certain persons associated under the name, style and form of ‘The Australian Gas*

*Light Company*, to sue and be sued in the name of the Secretary for the time being of the said Company, and for other purposes therein mentioned, and for better enabling the said Company to purchase, hold and dispose of real property. On 29 June 1849 Darvall moved that the Bill be referred to a Select Committee.

*Members of the Committee* John Bayley Darvall; John Lamb; William Bowman; The Attorney General (John Hubert Plunkett); John Fitzgerald Leslie Foster.

*Report of the Committee* On 3 August 1849/45 Darvall brought up the Report which supported the Bill. It had its second reading on 14 August 1849/50, and the Council resolved itself into a Committee of the Whole. The Bill was read a third time on 17 August 1849/53 and was *passed*.

## **1849/26 COMMITTEE ON THE NEWCASTLE BREAKWATER**

*See also* 1832/58, 1852/8, 1845/14, 1852/8, 1854/14

*Background* The breakwater at the entrance to the harbour at Newcastle, work on which had begun under Governor Macquarie in 1816, was still unfinished by 1832; on 11 October 1832/59 an additional amount not exceeding £500 had been appropriated in order that it might be finished. It appears that the work, mainly by convict labour, was not well done. On 3 July 1849/26 Donald Macintyre proposed the appointment of a Committee “to inquire into the state of the Breakwater at Newcastle

*Members of the Committee* Edward Hamilton; the Colonial Secretary (Edward Deas Thomson); Kenneth Snodgrass; William Charles Wentworth; Henry Dangar; George Robert Nicholls; John Dickson; Donald Macintyre.

*Witnesses examined by the Committee* Captain Alexander Livingston, Harbour Master at Newcastle; Mortimer William Lewis, jnr, Clerk of Works to the Northern District; George Barney, former Colonial Engineer to the Colony; Walter Scott, former overseer on the breakwater.

*Report of the Committee* The Committee reported on 17 August 1849/53 and the Report and Minutes of Evidence were printed. The Committee commented, as a preamble to its report, that “The...work was commenced by Governor Macquarie [in 1816, according to the evidence of the Harbour Master, Captain Livingston] and was continued...until 1848 when the whole distance from the mainland to Nobby’s Island...was completed; but, from considerations of economy, and the contemplated withdrawal of convict labor, the latter part of the work was hurried on beyond the limit of prudence, if not of stability.” The construction of some of the later parts of the breakwater were not done in accordance with the original design, “But it was deemed expedient to complete the whole line as rapidly as possible, in order to arrest the increase of the evils, which threatened to destroy the Harbour altogether...in its present unfinished state. There is a sudden break of nearly six feet in the level of the roadway [i.e., the top of the breakwater]...and that, instead of being carried up to the uniform breadth of thirty-two feet, the narrow part...is not more than sixteen and a half feet...The infancy of such structures is the period of greatest weakness and liability to damage, and strongly as the Committee are impressed with the importance of securing this Breakwater, the witnesses examined do not lead them to suppose, as this period of weakness has expired, that it will be necessary to incur

the expense of carrying out the original design in all its details. The uniform level and breadth of the line may possibly, under existing circumstances, be dispensed with...The Committee regret to find that there are no less than nine breaches in the Breakwater, some of which are in the weakest part of the line...though Mr Scott [the foreman] does not apprehend any material increase of the breaches at this season of the year, it is so obvious that the most serious consequences may arise if the sea and sand force their way into the Harbour...the Committee felt bound to urge the immediate commencement of the repairs.” Convict labour was recommended, since it was unlikely that any reputable contractor would undertake the work except at an exorbitant cost. Although the work might be carried out in about twelve months, the repair gang would need to be retained for several years in order the repair at once any future damage. The Committee observed “that before the completion of the Breakwater, the depth of water in the Harbour was very small...the deepening of the channel is still in actual progress, and...there is now sufficient water for ships drawing upwards of twenty feet of water”. The Committee also drew attention to its estimate of the Newcastle and Hunter River trade as being “in wool, nearly one-fourth, and in tallow, more than one third, of the whole quantity produced in New South Wales [excluding Port Phillip].” In addition, “the prospect of Steam Communication with India gives additional importance to the object of this inquiry, as the neighbourhood of Newcastle is the principal coal field of the Colony. Sailing vessels of a large size will be employed in conveying coals to the different depots, and unless the Breakwater is maintained the Port will be inaccessible to them...[there was] the necessity of a complete survey of the Breakwater and the Harbour, for the future guidance of the Executive Government.

#### **1849/30 COMMITTEE ON THE REAL PROPERTY LAW BILL**

*Background* On 26 June 1849/22 John Bayley Darvall was given leave to bring in *A Bill to enable tenants in tail to alienate real property by simple mode of assurance, and to give effect to assurances already made by them*. It does not appear that Darvall actually proceeded with the Bill, probably because it was subsumed by *A Bill to simplify the Law of Real Property* which Robert Lowe introduced on 3 July 1849/26. The Bill was read a second time on 10 July 1849/30 and was referred to a Committee for consideration.

*Members of the Committee* Robert Lowe; The Attorney General (John Hubert Plunkett); John Bayley Darvall; William Charles Wentworth; Edward Hamilton; George Robert Nichols.

*Witnesses examined by the Committee* Robert Johnson, solicitor; William Whaley Billyard; Ross Donnelly, barrister; Samuel Frederick Milford, Master in Equity; Sir Alfred Stephen, Chief Justice; George Kenyon Holden, solicitor;

*Report of the Committee* On 5 October 1849/81 Wentworth as Chairman brought up a Progress Report. It said “Your Committee has examined several witnesses whom they consider competent to form a correct opinion as to the probable operation of the Bill...Among these...is the Chief Justice who concurs with a large majority of the other witnesses...that the Bill...though embodying valuable principles, is in too crude and undigested a form to be passed into Law...the present Bill is evidently a very hasty and immature measure”. The Chief Justice, noting that “the legal title to very many landed estates is in an unsafe or precarious state” had prepared a draft of *A Bill for quieting titles to Land; and to diminish the expense of Conveyances*. This draft was included as an Appendix to

the printed Minutes of Evidence. The Committee recommended the re-appointment of the Committee in the next Session. The Committee was reappointed on 21 July 1850/30, with Henry Moor and James Martin replacing Robert Lowe and Edward Hamilton.

### **1849/33 COMMITTEE ON THE YASS SCHOOL LANDS BILL**

*Background* The *Yass School Lands Bill* had its first reading on 10 July 1849/30 and on 13 July 1849/33, on the motion of Edward Hamilton, it was referred to a Committee. The Bill sought to enable the land already reserved for the School to be exchanged for another site in a more suitable location.

*Members of the Committee* Charles Cowper; The Auditor General (William Lithgow); Terence Aubrey Murray; Edward Hamilton; The Attorney General (John Hubert Plunkett).

*Report of the Committee* The Bill had its second reading on 10 August 1849/49 and was considered by the Council in Committee, without amendment. In consequence, there is no printed report. The Bill was read a third time and on 14 August 1849/50, with the title *An Act to enable the Trustees of the site of the intended School House at Yass, in connection with the United Church of England and Ireland, to sell and dispose of the same for the purpose of purchasing other land in a more suitable situation to erect a School House thereon.*

### **1849/33 COMMITTEE ON LIGHT HOUSES, BASS'S STRAITS**

*Background* On 19 July 1849/33 William Charles Wentworth presented “a Petition from John Morris, Contractor for the erection of the Light House on Gabo Island, near Cape Howe, praying the appointment of a Select Committee of Inquiry into the terms of his contract and the nature of his work”. Wentworth moved the appointment of the Committee on 13 July 1849/33, “to inquire into the allegations contained in the Petition...and the expenses attending the erection of the several Light Houses in Bass’s Straits”.

*Members of the Committee* The Attorney General (John Hubert Plunkett); Daniel Cooper, jnr; The Auditor General (William Lithgow); John Lamb; Charles Cowper; Stuart Alexander Donaldson.

*Witnesses examined by the Committee* John Morris, civil engineer and contractor for the Gabo Island light house; The Colonial Secretary (Edward Deas Thomson); Mortimer William Lewis, Colonial Architect; Francis Rodgers, foreman of the works at Gabo Island; John Ruddy, workman employed by Morris for the work at Gabo Island; John Crotty, overseer for Morris at Gabo Island; Thomas Patrick Fitzsimon, innkeeper of Parramatta; Edward Garvey, stone cutter at Gabo Island; Edward M’Shane, carpenter at Gabo Island.

*Report of the Committee* The Report of the Committee was tabled on 5 October 1849/81 and the Report and Evidence were printed. The Report was highly critical of claims by the contractor, John Morris, for compensation for work performed on Gabo Island for the lighthouse. When it had been determined that a mainland site for the lighthouse was impractical and that Gabo Island was suitable, expert opinion was received from

Commissioner for Crown Lands, Charles James Tyers, a former naval officer, as to where on the island the light should go. He said that this was on a sandy rise described by him "...as composed of hard or firm sandy soil through which I was unable to penetrate...beyond 8 feet, at which depth the soil appears to be very compact". The sandy rise turned out to be a sandhill over 60 feet deep before hard rock was reached. The original plan for tenderers, prepared by the Colonial Architect, Mortimer Lewis, had allowed for minimal excavation on the basis of the Tyers report, but Lewis (who had not visited the Island) produced an amended plan allowing for an extra 60 feet of excavation and 60 feet of masonry to fill it in. When examined by the Committee, Lewis was adamant that no other site was suitable, although an inspection of the Island by Captain Stanley had recommended a change of site. The evidence of the contractor, Morris, was clearly at variance with that given by the Government Architect, Lewis, and particularly that of Rodgers, the Foreman of Works at Gabo Island, so that the Committee had no great difficulty in concluding that Morris had received all the moneys due to him for the work which he had done. In addition, Morris had received advances exceeding the usual amount in the circumstances: he had "no grounds to expect or stimulate for further advances as a condition precedent to his going on with his contract". The work for which he had been paid "was the most profitable part of his contract...at prices calculated to leave him a handsome return for the labor bestowed on it...[but] it is clear that the yet unfinished and indeed unattempted portion of it, the work above ground, was taken by him at prices that would have entailed upon him some loss...seeing that he has neither the means nor the inclination to proceed to the final completion of his contract" there was a case for him to refund part to the Government to allow the work to be completed. In addition, the Committee noted that in its view there was "not the least pretence for the often repeated allegations that the contractor was impeded in the prosecution of his contract, either by the Government Architect or the Clerk of Works". Although there was "not the slightest claim for compensation of any sort against the Government", the Committee, perhaps as an act of grace, recommended payment of £250 for the railway, house and huts which Morris had built, provided he surrendered all his rights to them. As to whether work should continue on building the light house on Gabo Island, either on the site originally recommended by Tyer or that later proposed by Stanley, or whether it should be built on the mainland at Cape Howe, the Committee was unable to form an opinion, but recommended that it be referred to "some competent person" for advice. If the work were to proceed, "it should be carried on by workmen in the direct pay of the Government, and under the inspection and superintendence of some competent person connected with the office of the Colonial Architect." However, "Your Committee feel bound to declare that the charges of bribery and peculation, which have been made by the contractor against the Colonial Architect, have not been substantiated by any evidence which he has produced". Nevertheless, the Committee observed that the Department where "the chief places have been filled by his relatives or connexions: one son is a Clerk of Works—another, a draftsman—his brother-in-law, pay clerk...Your Committee feel therefore bound, without casting any imputations on this officer, to deprecate, in the strongest manner, the introduction into any public department of a nepotism so pregnant with abuse, and so perilous to the best interests of the public service....If the sons of the heads of departments are to hold office, it should be a general rule of the Government...that they are not to be provided for in any department over which their fathers preside". The Committee had been asked about the expenses incurred with the building of the other Bass Straits lighthouses: that at Cape Otway had been contracted for by a person not able to complete the work but was finished by day labour for £6,790; that at Kent's Group of islands was built chiefly at the expense of the Government of Van Diemen's Land, New South Wales having paid

£1,529 for the lighthouse machinery. The red granite Gabo Island light was completed by the Colony of Victoria in 1862, on the site recommended by Stanley.

## 1849/38 COMMITTEE ON THE MEDICAL PROFESSION BILL

*Background* On 4 July 1849/27 John Dickson introduced *A Bill to regulate the Medical Profession*. The Bill was set down for its second reading on 17 July 1849/34 but on that date “The Attorney General presented a Petition from certain Chymists [*sic*] and Druggists carrying on business in its vicinity, praying the Council to refer the Medical Profession Bill to a Select Committee, with an instruction to such Committee to take evidence as to the form and application thereof, so far as the Petitioners are concerned”. This was the first of many such petitions: for these *see below*. All were referred to the Committee. On 24 July 1849/38 Dickson moved the second reading of the Bill, but after considerable debate the Council resolved to refer it to a Committee.

*Members of the Committee* John Dickson; Daniel Cooper, jnr; The Attorney General (John Hubert Plunkett); William Charles Wentworth; George Robert Nicholls; George Allen.

*Petitions received against the Bill in its present form* From Chemysts and Druggists, who sought leave to be heard by Counsel at the Bar of the House (1848/34, 1849/37, 1849/38); From Dr Charles Lamonnerie Dictus Fattorini (1839/38); “From certain legally qualified Medical Practitioners residing in Sydney, praying that this Bill may not be passed into Law” (1849/45);” “From William Lipscomb and William Townley Pinhey, of West Maitland, Chymists and Druggists” (1849/47).

*Petition received in favour of the Bill* “From certain Legally Qualified Medical Practitioners in the City of Sydney, praying that this Bill be passed into Law” (1849/38).

*Witnesses examined by the Committee* [“Mr Johnson, Solicitor, was allowed, on behalf of the Chemists and Druggists who signed the Petitions presented to the Council, to conduct the direct examination of witnesses, but not to cross-examine any future witnesses called by the Committee unless by leave, and subject to such further orders as might be made by the Committee; it being understood that this permission was not to be cited as a precedent at any future time”] Ambrose Foss, chemist and druggist; Henry Mace, chemist and druggist; Edward Youngman, chemist and druggist; Frederick M’Kellar, physican, surgeon, apothecary, accoucher; C M Penny, wholesale and retail and dispensing druggist; George Fullerton, physician and surgeon; Arthur Martin a’Beckett, [“who practices”] surgery, medicine, midwifery; Richard Hayes Tarrant, apothecary; John Yates Rutter, apothecary; William Bland, surgeon; Henry Grattan Douglas, physician and surgeon; Isaac Aaron, surgeon and apothecary; Donald M’Ewan, physician and surgeon.

*Report of the Committee* On 5 October 1849/81 the Committee tabled a Progress Report. “Your Committee beg leave to report, That they have examined a number of witnesses...and, in consequence of their conflicting statements, your Committee recommend that no further proceedings should be taken with reference to the Bill in question during the present Session, but that the Evidence which has been taken should be printed, and the matter further considered during the next Session...”

**1849/41 COMMITTEE ON MR DEAS THOMSON'S MARRIAGE SETTLEMENT BILL**

*Background* On 17 July 1849/34 John Bayley Darvall obtained “leave to bring in a Bill to define the powers of the Trustees for the time being of the Marriage Settlement of Mr Deas Thomson”. On 27 July 1849/41 *A Bill for defining the powers of the Trustees or Trustee for the time being of the Settlement made on the Marriage of the Honorable Edward Deas Thomson with Anne Maria his wife, and for giving better effect to Sales and Exchanges made, and to be made pursuant thereto, and other purposes* was introduced by Darvall and read a first time. The Bill was referred to a Committee.

*Members of the Committee* The Attorney General (John Hubert Plunkett); William Macarthur; John Fitzgerald Leslie Foster; Charles Cowper.

*Report of the Committee* The Report was tabled on 24 August 1849/57 with some amendments to the Bill. It had its second reading on 28 August 1849/58. It was then considered by the Council sitting as a Committee of the Whole, and was *passed* on 4 September 1849/62.

**1849/45 COMMITTEE ON THE PAYMENT OF WAGES IN WINE**

*Background* On 3 August 1849/45 Edward Hamilton moved “That a Select Committee be appointed to inquire into the operation of the Law which allows the payment of wages in wine or beer made from grapes or grain by the employer”.

*Members of the Committee* James Macarthur; Stuart Alexander Donaldson; Robert Lowe; George Robert Nicholls; Edward Hamilton; Charles Cowper; The Colonial Treasurer (Campbell Drummond Riddell).

*Report of the Committee* On 7 August 1849/46 George Oakes presented a Petition “from certain Publicans at Parramatta, against the privilege of allowing wine growers to supply their servants with wine in payment of wages” and asking for it to be referred to the Committee. It is doubtful whether the Committee ever met: no report was made in 1849, 1850, or 1851.

**1849/45 COMMITTEE ON CATARRH IN SHEEP**

*See also* 1832/29, 1835/31, 1838/10, 1845/5

*Background* The contagious diseases of sheep, ‘scab’(sometimes called ‘mange’) or ‘catarrh (also called ‘influenza’) had been a matter of great concern since at least the 1830s, since wool, and sometimes tallow, were for long the most valuable exports from New South Wales and the diseases appeared to be incurable. Various legislative measures to control the spread of the problem had been introduced but they had proved to be ineffective, and the incidence of the diseases appeared to be increasing. On 3 August 1849/45 Stuart Alexander Donaldson moved the appointment of a Committee “to inquire into and report on the present state of the Law relating to Catarrh in Sheep”.

*Members of the Committee* Stuart Alexander Donaldson; Edward Hamilton; John Fitzgerald Leslie Foster; Donald Macintyre; James Macarthur; Charles Cowper.

*Witnesses examined by the Committee* George Leslie Farquhar, of Darling Downs in the Moreton Bay District; Francis Taaffee, settler on the Murrumbidgee; Charles Nicholson, Speaker of the Legislative Council and an extensive sheep proprietor; John Francis Macarthur, landed proprietor and sheep owner; Hugh Gordon, sheep proprietor and land-holder.

*Report of the Committee* The Report was tabled on 4 September 1849/62 and was printed. The Committee concluded that Catarrh in sheep was incurable, and the probable cause could not be controlled by legislation. "Your Committee are persuaded that the increase of this disease is owing, in a great measure, to the mismanagement or false economy on the part of sheep owners, who, instead of checking it in its first appearance by the only practical means, that is, the boiling pot, disperse the diseased sheep among sound sheep at out-stations, or otherwise, a step fatal, in almost all instances, to those who attempt it, and most disastrous to the Colony in general....unless some measure can be devised...sheep farming will become a hazardous speculation, instead of being a safe and lucrative investment for the capitalist." The Committee recommended a series of amendments to the existing Law, including notification to the nearest Bench of Magistrates of the occurrence of either scab or catarrh, much stricter conditions for the issuing of permits to allow sheep to travel, the immediate destruction by burning of sheep found to be diseased while on the road; and for heavy penalties for non-compliance. The Committee concluded "That with these modifications of the present law...the spread of Catarrh may be checked...but...that nothing will so effectually prevent the fearful extension of the disease in years to come as a much improved system of sheep management, and more especially attention to the infusion of fresh blood into the flocks throughout the Colony, together with a resolute determination on the part of every sheep owner to boil down all the sheep affected as soon as the disease appears". On 14 September 1849/69 Donaldson was given leave to bring in a Bill to amend *An Act to consolidate and amend the laws now in force for preventing the extension of the diseases called the Scab and the Influenza or Catarrh in Sheep and Lambs in the Colony of New South Wales*. This amending Bill had its first reading on 2 October 1849/78. . On 5 October 1849/81 Donaldson moved "that the Order for the reading of this Bill be discharged from the [Notice] Paper": the motion was passed. *A Bill for preventing the extension of the diseases called the scab and influenza in the Colony of New South Wales* was then introduced; this was presumably the 1849 Bill, but as a Bill in its own right rather than an amending Bill. The second reading of the Bill was set down for 12 July 1850/21 but on the motion of Terence Aubrey Murray the Council resolved that "this Bill be read a second time this day six months". Since the Session was not expected to last as long as six months, this effectively prevented any further action on the matter.

## 1849/48 COMMITTEE ON THE POSTAGE BILL

*Background* "The Governor, in his opening address to the...Council on 17 May last, [had] expressed an intention of bringing under...consideration, a measure having for its object the introduction of an [*sic*] uniform rate of Postage" and on 27 July 1849/41 by Message no. 40 he proposed *A Bill to establish an uniform rate of Postage, and to consolidate and amend the law for the conveyance and postage of Letters*. The Bill had its first reading on 2 August 1849/44 and on the same day the Colonial Secretary tabled Returns of the increase in the business

of the Post Office from 1828 to 1848, and a copy of “correspondence between the Postmaster General of this Colony and the Post Office Authorities at Home respecting the pre-payment of Ship Letters”. The Bill was read a second time and after debate was referred to a Committee for consideration and report.

*Members of the Committee* The Auditor General (William Lithgow); Stuart Alexander Donaldson; John Lamb; Henry Moor; Charles Cowper; Edward Hamilton; William Macarthur; Daniel Cooper, jnr.

*Witnesses examined by the Committee* James Raymond, Postmaster General; Christopher James Campbell, former senior clerk in the Post Office Department in London; Robert Clayton, engraver and printer; Edward Knox, Manager of the Commercial Bank; James Raymond, jnr, Accountant to the Post Office.

*Report of the Committee* On 12 Sept 1849/67 the Report, Evidence and a copy of the Bill as amended by the Committee were tabled and ordered to be printed. It is obvious that the Committee was strongly influenced by reports of the introduction in Great Britain of a uniform rate of one penny. The Committee adopted as a fundamental principle “that the Postal Department should be made to pay its own expenses, or, in other words, that the rate should be so fixed as that the expenditure of the Post Office should be ultimately covered by the revenue to be derived from Postage...[However] the principle of a uniform rate appears inseparable if not deducible, from another principle, namely, that of pre-payment...[this would require] a very low rate of postage, to neutralize the objections on the part of the public to its being demanded in advance.” The Committee recommended that “the uniform rate of inland Postage...be fixed at two-pence for letters not exceeding half an ounce in weight...but to compensate, in some degree, for so great a reduction (from eight pence, the present average postage of inland chargeable letters, to two-pence), it is absolutely necessary that...there should be a moderate postage on newspapers. It had been shown to the Committee that newspapers, currently carried without cost either to the sender or to the recipient, made up about nine tenths of the total weight of letters and newspapers carried by post. “It appears to your Committee obviously unfair that newspapers should continue to enjoy an exemption from Postage at the expense of the class of letter writers.” The Committee pointed out that if a system of pre-payment for inland and town letters were to be adopted, “it is necessary that every facility for pre-payment should be afforded to the public”. For ease of pre-payment there should be “the introduction of the system of Post Office stamps now in use in England. The necessary dies can...be prepared in the Colony at a moderate cost...facilities for increased correspondence should be given by the establishment of Post Offices in all the suburbs of the City.” Country Postmasters should be given a fixed allowance since their remuneration was at present 20% of the postage collected by them, but “the sudden reduction to the two-penny rate will render the commission so little remunerative, as to fail to ensure the services of respectable persons.” The Committee did not, however, recommend the introduction of Post Office money orders “until the facilities for a proper medium of circulation of money in the remoter districts shall be established”. There was not a great deal of opposition to the proposals of the Committee, but on 26 September 1849/75 Daniel Cooper jnr. "presented a Petition from certain Members of the Sydney Mechanic's School of Arts and others against the imposition of postage upon Newspapers conveyed *bona fide* for Literary and Scientific Societies": The Committee had suggested a uniform rate for newspapers and journals of one penny, which if prepaid would of necessity have been paid by the publishers. On the same sitting day the Council sitting as a Committee of the Whole adopted the recommendations and requested the

Governor to put them into effect, although it amended the proposals to the extent that “Members of the Executive and Legislative Councils may receive by Post Petitions and Addresses to Her Majesty and His Excellency the Governor, and Petitions addressed to either the Executive or Legislative Council, not exceeding thirty-two ounces in weight, exempt from Postage; provided that such Petitions and Addresses be sent without covers, or in covers open at the sides”. The Postage Bill had its third reading on 3 October 1849/79 and was *passed as An Act to establish an [sic] uniform Rate of Postage, and to consolidate and amend the Law for the Conveyance and Postage of Letters.*

#### **1849/64 COMMITTEE ON THE SYDNEY COLLEGE [LATER TO BECOME THE UNIVERSITY OF SYDNEY]**

*Background* During the 1830s and 1840s a number of secondary schools had flourished, waned, and sometimes were reborn. These schools included some which aspired to teach the subjects commonly taught in English schools which prepared students for university—Latin and Greek, English, mathematics, natural philosophy. Among them the Sydney Free Grammar School (later The Sydney College), The Kings School, The Australian College, the Normal Institution were well regarded. In addition there was a myriad of small privately run schools, perhaps at some times a hundred or more, too many for a small market, and probably insignificant in importance. Nevertheless, there had developed a small educated class of persons, a minority in the adult population, who perceived a need for a higher level of education than was commonly available. The Sydney Free Grammar School, founded in 1825 under the patronage of Governor Brisbane, had failed to survive its first year, largely through financial difficulties. Its Trustees attempted to resurrect it in 1830 as an institution, renamed the Sydney College, which might in time become the basis of a higher education at university level, but it did not re-open until 1838 when there was little diminution of its financial and other problems. On 4 September 1849/62 William Charles Wentworth who had some association with the school, presented to the Legislative Council a “Petition from certain Proprietors of the Sydney College [it is unclear whether Wentworth himself was a proprietor], praying the appointment of a Select Committee to consider the best means of carrying on the Institution so as to afford the youth of the Colony the means of obtaining instruction in the higher branches of Literature and Science”. The Petition was received by the Council, and two days later on 6 September 1849/64 Wentworth “moved...That a Select Committee be appointed to inquire ‘into’ the matters contained in the petition of the proprietors of the ‘*Sydney College*’ [*the italics are in the original*], and to report on the best means of instituting a University for the promotion of literature and science, and to be endowed at the public expense. The Committee, Wentworth said, should consist of himself, the Speaker, the Colonial Secretary, the Attorney General, Robert Lowe, James Martin, James Macarthur, and George Robert Nichols”. A Committee was indeed formed, but with a membership selected by ballot.

*Members of the Committee* William Charles Wentworth; Robert Lowe, The Speaker (Charles Nicholson); The Colonial Secretary (Edward Deas Thomson); James Macarthur; Charles Cowper; George Robert Nichols.

*Report of the Committee* The Committee reported on 21 September 1849/73. It felt “persuaded that there cannot exist any diversity of opinion as to the policy of founding, without any further delay, upon a liberal and comprehensive basis, a University, which

shall be accessible to all classes, and all collegiate or academical [*sic*] institutions, which shall seek its affiliation...it must belong to no religious denomination and require no religious test...its visitor must be a layman---its governing body, laymen,---its professors, laymen”. The hand of Wentworth who chaired the Committee can perhaps be seen in these prescriptions. The Committee called no witnesses: “it has not been deemed necessary or advisable, at this late period of the Session, to examine any witnesses on this [the proposed secular nature of the University] or any other subject connected with the foundation of this most important institution...to court inquiry which might possibly excite sectarian controversies, and interpose further delays, would be most inexpedient and unwise...the principal questions that have attracted the attention of your Committee are, upon what plan is it to be modeled, [*sic*] and how,---and to what extents—is to be endowed?” The first step should be “the selection of proper professors, and to the provision of a sufficient and permanent endowment for their support...a governing body in the nature of a Senate [with all necessary powers] will be indispensable...the ordinary revenue is the fittest source of endowment...[although rents from grants of Crown land may be available in the future]...£5,000 a year will be required for stipends for Professors, a Secretary, and other necessary officers and servants, for scholarships and exhibitions, for a library to be gradually formed, and for other unavoidable expenses...a permanent annual appropriation to this extent shall form a clause in the Act of Incorporation...The primary outlay for the building of the University...your Committee...cannot estimate at less than £30,000 [and the Act of Incorporation should include a building fund]”. The first professor should be in Classics and Mathematics at £800 a year (this appointment to be the Principal of the University); Chemistry at £400 a year; Natural History, including the Animal, Vegetable and Mineral Kingdoms, at £400 a year; Experimental Philosophy and Civil Engineering; Anatomy, Physiology and Medicine, at £300 a year. Future appointments might be in Modern History and Political Economy, and Modern Languages. And finally, after remarking on the present necessity for students to be sent away to British or foreign universities “at as distance of half the Globe from all parental or family control...This frightful dearth of Colonial education has already existed too long...it ought not to be endured any longer...your Honorable House has undoubtedly the power, with the assent of the Governor, to incorporate a University with all necessary privileges, as well as £5,000 to endow it,---this is the course which your Committee recommend for immediate adoption; and they have prepared a Bill which, if passed into law, will carry out this recommendation during the present Session”. On 26 September 1849/75, on the motion of Wentworth, the Council resolved “That an Address be presented to...the Governor, praying that he will be pleased to recommend to this House the insertion in the Bill for incorporating and endowing...the University of Sydney, the permanent endowment clause suggested in the Report of the Select Committee...such suggestion being £5,000 a year to be appropriated from the General Revenue as a fund for Salaries, a library, and other necessary annual expenses”. Wentworth had, on 28 September 1849/77, been given leave to introduce his *Sydney University Bill*. It had its first reading on 2 October, and its second reading on 4 October 1849/80 when the Council sitting as a Committee of the Whole debated it without a conclusion. When the second reading resumed on 10 October 1849/83 it was noted that there was not a quorum in the House. The Council was prorogued on 12 October 1849/85 and the Bill lapsed accordingly. Wentworth re-introduced his Bill on 23 August 1850/44. On 30 August 1850/48 John Dunmore Lang presented “a Petition from certain Professors of the Australian College, Sydney praying that the Bill may be so amended as to secure a system of Academical Education, combining unbounded freedom with unity of purpose and vigorous action”. On 5 September 1850/51 John Bayley Darvall “presented a Petition from the Archbishop, Bishop Coadjutor and Roman Catholic

Clergy of Sydney, praying certain modifications in this Bill”, and on 6 September 1850/52 George Allen presented “a Petition from certain Inhabitants of the City of Sydney, praying certain modifications in this Bill”; all these Petitions were printed. On 10 September 1850/53 the Council commenced its second reading of the Bill; the debate was continued on the following day 11 September 1850/54 and it was further considered by the Council sitting as a Committee of the Whole. On 13 September 1850/56 George Allen presented a series of Petitions seeking further modifications to the Bill, from inhabitants of Sydney, Appin, Picton, Penrith, Camden and Campbelltown; and on 18 September 1850/58 George Robert Nichols and John Bayley Darvall presented Petitions from West Maitland, Bathurst, East Maitland, Berrima, and Newcastle. On the same day the Council in Committee again considered the Bill. On 19 September 1850/59 George Allen presented Petitions from Hartley and Goulburn; these petitions were printed. On 20 September 1850/60 the Council adopted the Report of the Committee and on 24 September 1850/61 the Bill was read a third time and *passed* as *An Act to incorporate and endow the University of Sydney*.

[For a more extended account of the origins of the University of Sydney see Turney, Bygott & Chippendale, *Australia's first: a history of the University of Sydney, vol. 1, 1850-1939*, Univ. of Sydney in association with Hale & Iremonger, Syd., 1991]

## Session of 1850

### 1850/1            **COMMITTEE TO PREPARE AN ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH OPENING THE 1850 SESSION**

*Background* On 4 June 1850/1 Governor General Fitz Roy addressed the Council at the opening of the 1850 Session. As was normal practice, a Committee was appointed to prepare an Address in Reply: a draft was brought before the Council on the same day.

*Members of the Committee* John Bayley Darvall; The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); William Charles Wentworth; Stuart Alexander Donaldson.

*Report of the Committee* A period of about one hour and twenty minutes having elapsed between the Governor's speech and the resumption of the business of the day, the Committee was able to produce a reply which was adopted by the Council. The reply noted the following points which had been referred to by Governor Fitz Roy: The wheat harvest had been abundant; the increased exports of wool and tallow, and "the large augmentation in the Revenue" had all meant that the future prospects for the Colony appeared good; while the proposed alteration in the Constitution of the Colony was noted, this being principally the establishment of responsible government in the Colonies. In relation to this last point "we venture to express our expectation that no such measure will be submitted to [the English] Parliament until it shall have received the concurrence of this Council; it was noted that the Secretary of State had sent some proposals which could affect the way in which the census which was to be taken later in the year; the decision that the Home Government intended to maintain a Military Force in the Colony would be considered by the Council; it was pleasing to note that while there had been a large increase in the population of the Colony, employment had been available "at remunerative rates of wages for all classes of laborers, and that the Colony still presents a wide and continually expanding field for the profitable employment of the surplus population and capital of the British Islands". The re-emigration of newly arrived immigrants to the Californian goldfields was a cause for great concern, but was likely to be reduced following representations from the Governor to the Emigration Commissioners; the Council would examine the state of the Police; the proposed *Bill relating to the improvement in the Constitution of the Corporation of Sydney*, to provide for the sewerage, and to promote the health of its Inhabitants, will receive due attention at our hands"; and the Council will consider "the Estimates of the Revenue and Expenditure for the ensuing year as soon as the same are prepared".

### 1850/2            **STANDING ORDERS COMMITTEE**

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; James Macarthur; William Charles Wentworth; Stuart Alexander Donaldson.

## 1850/2 LIBRARY COMMITTEE

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; James Macarthur; William Charles Wentworth; Stuart Alexander Donaldson; Philip Parker King (added 6 June 1850/3); John Dickson (added 6 June 1850/3); George Robert Nichols (added 6 June 1850/3).

## 1850/3 COMMITTEE ON CATTLE PROTECTION

*Background* On 6 June 1850/3 on the motion of Terence Aubrey Murray the Council resolved “that a Select Committee...be appointed to prepare a *Bill to prevent the use illegal use of working Oxen and Horses*”.

*Members of the Committee* George Robert Nichols; Henry Dangar; James Martin; William Bowman; William Macarthur.

*Report of the Committee* On 12 June 1850/6 *A Bill for the better protection of Cattle in New South Wales* had its first reading. The second reading was on 28 June 1850/14 and it was considered by the Council sitting as a Committee of the Whole on 9 July 1850/18 and again on 16 July 1850/22 when a number of amendments to the Bill were made; further amendments were made on 19 July 1850/25; the Report was then adopted by the Council on 23 July/26 and was *passed*.

## 1850/3 COMMITTEE ON THE MASTERS AND SERVANTS ACTS

*See also* 1840/15, 1845/7

*Background* The original *Act for the better regulation of Servants, Labourers and Work People* (later popularly referred to as *The Masters and Servants Act*) had been passed on 17 July 1828/10. It was amended on 14 July 1840/15 as *An Act to ensure the fulfilment of engagement, and to provide for the adjustment of disputes between Masters and Servants in New South Wales and its dependencies*. This Act was reviewed by a Committee appointed on 12 August 1845/7. The Report of the Committee resulted in the *passing* on 11 November 1845/59 of *An Act to amend and consolidate the Laws between Masters and Servants, in New South Wales*. On 6 June 1850/3 on the motion of Terence Aubrey Murray, the Council appointed a Committee “to inquire into the operation of the Masters and Servants’ Acts, with instructions to report and frame a new Bill”.

*Members of the Committee* Terence Aubrey Murray; George Robert Nichols; Henry Dangar; John Dickson; James Martin; William Bowman; William Macarthur.

*Report of the Committee* No printed Report has been found, but on 28 June 1850/14 Murray presented a new *Bill to regulate contracts between masters and servants*: the Bill was read a first time on that day. After some postponements it had its second reading on 19 July 1850/25 and was considered by the Council sitting as a Committee of the Whole on 23 July 1850/26, and again on 6 September 1850/52. On 11 September 1850/54, being the day set down for further consideration of the Bill, on the motion of George Robert Nichols, the Council resolved “that the Bill be laid aside, with a view to move for leave to bring in a Bill to continue...” the present Acts for a period of two years.. Accordingly, *A*

*Bill to continue two Acts...respectively* intituled ‘*An Act to amend and consolidate the Laws between Masters and Servants in New South Wales*, and *An Act to amend An Act to amend the Laws between Masters and Servants in New South Wales*’ were read a first time on 12 September 1850/55 and a second time on 18 September 1850/58. The two Bills were considered by the Council in Committee on 20 September 1850/60, and were *passed* on 24 September 1850/61.

#### **1850/4 COMMITTEE ON PRIVILEGES OF THE HOUSE**

*See also* 1844/21

*Background* Following the precedent of the House of Commons, the Legislative Council had, from the beginning, assumed that its members had certain privileges which did not apply to the other inhabitants of the Colony. This is now often referred to as parliamentary privilege: a number of commentators have pointed out that it derives from the 1689 *Bill of Rights* which provided in Article 9 “That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament”, and further, that in New South Wales parliamentary privilege is largely founded on the common law. Essentially, the privileges of the parliament are held to be essential to the integrity of and the conduct of institution itself. The privileges of the members of a parliament, however, did not exist for their personal benefit. Fundamental to the concept of parliamentary privilege is the protection of the right to members of free speech in parliamentary proceedings: this applies in a number of guises, but particularly as to protection from defamation proceedings and the like even though these might be actionable had they not been subject to privilege. On 3 July 1844/21 Council member “Robert Lowe having informed the House that, a Breach of Privilege had been committed by a party having sent him a hostile message, in the course of his name having been made use of by Mr Lowe in the course of debate in this House.” A Select Committee was appointed “to determine what steps should be taken in the matter by the House”. [It might be noted that the report of the proceedings on 3 July, in the *Sydney Morning Herald* of 4 July, says that this was the first occasion when the question of privilege was raised in the House.] For a brief account of this Committee, including the names of its members, *see above* 1844/21 *Committee on Privileges of the Council*. The Council resolved that action be taken against the person or persons considered to have breached the privilege of the House. The Chairman of this Committee, Richard Windeyer, had stated in the Report that “to prevent all doubt in future cases—your Committee...recommend, that a Bill be passed to confer upon this Council, such powers as may be considered necessary to its efficiency”. No Bill had arisen from the recommendation of the 1844 Committee: this may be the reason why, on 7 June 1850/4, William Charles Wentworth proposed the appointment of “a Select Committee ...to inquire into and determine what are the privileges of this House (if any)with reference to contempts [*sic*] or breaches of the privileges of this House, committed in the face of the House as well as out of the House; and if the Committee be of opinion that no power of summary punishment for contempts or breaches of the privileges of this House exists, that it be an instruction to the Committee to frame and present a Bill to confer on this House the same rights and privileges as belongs to the Commons House of Parliament in England, or such other rights or privileges as the Committer may suggest”. Although Wentworth had suggested names of proposed Committee members, the Council resolved to appoint the Committee by ballot.

*Members of the Committee* Richard Windeyer; The Colonial Secretary (Edward Deas Thomson); John Bayley Darvall; George Robert Nichols; The Attorney General (John Hubert Plunkett); Henry Watson Parker; George Allen; Henry Moor.

*Report of the Committee* The Committee reported on 25 September 1850/62 and the Report was printed. Wentworth as Chairman of the Committee noted, for the information of the Council, that there was not unanimous agreement among the members of the Committee as to the recommendations. The Report is brief, only one printed page: it pointed out that the 48<sup>th</sup> Standing Order of the Council dealt with contempts, “but the power of the Council, as regards the public, is limited to contempts by persons who shall wilfully or vexatiously interrupt the orderly business of the Council”. [This interpretation of the powers of the Council is very narrow, and seems to limit them to “contempts of this nature committed in the face of the Council”, but appears to be borne out by a later judgment of the Privy Council, and to some extent by the provisions of the *New South Wales Act* in relation to the Council’s powers to make its own Standing Orders.] However, the Committee went on to observe that “it seems pretty clear that the Standing Orders Committee arrived at the conclusion, that the restricted powers thus committed to them, excluded in this particular matter [of contempts] any exercise of the general powers of legislation, conferred on the Governor and the Legislative Council” by the New South Wales Act. If this was the case, the Committee advised the Council that “this 48<sup>th</sup> Standing Order is an exercise of all the powers this Council possesses” and it would therefore be useless the carry out the instruction to frame a Bill. If on the other hand the Standing Orders Committee had taken too limited a view of the powers of the Council, and that the present Committee “be competent to act upon this instruction [to frame a Bill]” it would nevertheless be unwise, “at this juncture, to exercise any questionable powers of Legislation on a subject of such vital importance to the freedom of debate and the purity and independence of the Legislative function”. By 1850 it had become clear that a new Constitution for New South Wales, which would provide for a bicameral legislature, was on the way, and the Committee advised the present Council that the interests of the present Legislative Council, and those of the public, would best be served “by bequeathing the important enquiry and duty thus confided to them—to the Legislative Body, by which it seems now certain that they are very shortly to be succeeded”. The Session was prorogued on 2 October 1850/68 without the Report having been considered by the Council, although it may be presumed that members had read or at least been aware of the Report of the Committee. The new Legislative Council and Legislative Assembly did not come into existence until 1856.

[The compiler of the present work,, who takes complete responsibility for the account and comments above, wishes to acknowledge his use of two Background Papers of the NSW Parliamentary Research Service (Nos 1/07 and 4/97) on parliamentary privilege, prepared by its Manager, Research, Gareth Griffith.]

## **1850/7 COMMITTEE FOR REGULATING THE DUTIES OF PILOTS**

*See also* 1835/18

*Background* On 5 June 1850/2 Governor General Fitz Roy, by Message proposed, *A Bill for regulating payments to be made to Pilots on account of the detention of Outward-bound ships or vessels*. Pilots were paid monthly at the Treasury which received the pilotage fees from the Masters of ships; this was calculated on a tonnage basis. The amount paid to each pilot depended on the number of times they brought a ship into or out of Port Jackson

(Sydney Harbour). Pilots had been assigned to ships on a strict rotation basis since 1843; before that date they had competed among themselves as to which ship could be reached first. It frequently happened that a pilot was assigned to an outgoing vessel which did not proceed to sea for one or more days, but since the pilot was not paid until the ship had departed, he was unable to earn fees during that time. The Bill was intended to remedy this by prescribing a statutory charge to be levied during the waiting time. The Bill had its first reading on 12 June 1850/6. On the following day, 13 June 1850/7 on the motion of George Robert Nichols, the Council appointed a Committee “to examine into [*sic*] the duties of the Harbour Masters and Pilots in New South Wales, with a view to regulating the system of Pilotage in the Harbour of Port Jackson”. When the *Outward Pilotage Bill* came up for its second reading on 19 June 1850/9 it was referred to the Committee. On 25 June 1850/11, again on the motion of Nichols, the Governor General was requested to table for printing the “the Report of the Board for the regulation of Steam vessels on the present system of Pilotage in the Harbour of Port Jackson, together with the evidence upon which such Report was founded”. This Report was printed in the first volume of the Votes and Proceedings for 1850, but does not form part of the Report of the present Committee. The printed evidence from 1849 was no doubt of use to the present Committee, but it still found the need to examine further witnesses, some of whom had already given their testimony in 1849.

*Members of the Committee* George Robert Nichols; Philip Parker King; John Lamb; Stuart Alexander Donaldson; Daniel Cooper, jnr.; The Collector of Customs (John George Nathaniel Gibbes).

*Witnesses examined by the Committee* Merion Moriarty, Port Master; Hutchinson Hothersall Browne, Water Police Magistrate of Sydney; William Salmon Deloitte, merchant of Sydney and formerly a ship master and owner sailing out of the Port; Thomas Watson, former Pilot; Joseph Moffit, a licensed Pilot; Robert Jackson, former Pilot; John Gilchrist, merchant of Sydney; Robert Towns, merchant of Sydney and shipowner; John Crook, an Assistant Harbour Master of Sydney; George Bainbridge, Pilot; Durham Nicholson, clerk in the Port Officer’s Department.

*Report of the Committee* The Committee reported on 26 September 1850/63, and the Report and evidence were printed. The recommendations of the Committee on the whole were to disturb the existing system as little as practicable, while ensuring that there was a proper legal basis for it. Thus, “After mature deliberation, your Committee are satisfied that the present system of rotation by which the Pilotage is carried out, is superior to a System of competition, [and] that it should, therefore, be continued under proper Regulations”. A Pilot Board should be established by Act of Council, with not less than five members, official and non-official, for the purpose of framing Regulations “for the government of the Pilots; to license, to dismiss, to suspend, and to fine them”. The proposed *Bill for regulating payments to Pilots on account of the detention of outward bound ships of vessel*” was sound and should be passed into law by the Council. It was further recommended that there be a Bill to consolidate and amend all the laws relating to Harbours, Pilots and Pilotage. “In consideration of the rapidly increasing trade of the Port of Newcastle” an additional Pilot should be appointed there, but a Pilot at Port Macquarie could not be justified. However, “In consequence of the distance of Moreton Bay from head quarters, and the prospect of a great increase in the shipping trade, both foreign and coastwise, of the northeastern settlements, your Committee recommend that a separate Pilot Board be appointed at Moreton Bay...” The *Outward Pilotage Bill* was *passed* on 27 September 1850/61. No action appears to have been taken on the other

recommendations of the Committee and the Session was prorogued on 2 October 1850/68.

## 1850/9 COMMITTEE ON THE STATE OF THE POLICE

*See also* 1833/19, 1835/1, 1839/1, 1839/8, 1844/7, 1844/17, 1844/53/ 1847/4

*Background* The policing of a Colony which originally was largely composed of convicts and ex-convicts was still a problem in 1850. On 19 June 1850/9 the Colonial Secretary (Edward Deas Thomson) proposed “that a Select Committee be appointed to inquire into the state of the Police of the Colony, and suggest the best means of improving its constitution and efficiency, so that the Constabulary force may be placed on such a basis as adequately to secure the protection of life and property in the Cities and Towns throughout the Rural Districts of the Colony”. A Committee was appointed by ballot.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); Stuart Alexander Donaldson; William Charles Wentworth; George Allen; Terence Aubrey Murray; James Macarthur; Phillip Parker King; William Henry Suttor; Henry Dangar; Henry Moor.

*Report of the Committee* The Report of the Committee was tabled on 27 August 1850/45 and was ordered to be printed. On 29 August 1850/47 the Colonial Secretary moved that the Council adopt the Report and request the Governor to act on the recommendations, but debate on these propositions was adjourned until 4 September 1850/50 when the Council by a majority of 17 to 7 resolved that the Governor be requested to take the necessary steps to implement the Report. On 18 September 1850/58 the Governor, by Message No. 36, sent to the Council a draft of *Bill for the regulation of the Police Force in New South Wales*. The Bill had its first reading on 25 September 1850/62, and its second reading on 26 September 1850/63 when the Council sat as a Committee of the Whole for its consideration. It was read a third time on 1 October 1850/67 and was *passed*. In its Report the Committee noted that “The constitution, strength, and distribution of the Police of this Colony have already formed the subject of enquiry before Select Committees...on three separate occasions...in 1835, in 1839, and in 1846. On each of these occasions voluminous evidence was taken, and an elaborate Report submitted...and as that evidence is concurrent, and the recommendations based thereon entirely unanimous on the several points more particularly involved in the present enquiry, your Committee have not deemed it necessary to take additional evidence on the subject...The conclusions to which they have arrived, founded on personal observation and experience, are entirely accordant with those of the Committees that preceded them...” The Committee then proceeded to make a number of observations which in turn formed the basis of recommendations. “It cannot be denied that the Police Force of this Colony has not, at any time, been as efficient as, from the great cost of its maintenance, might not unreasonably have been expected...The causes which rendered necessary to maintenance of so large and consequently expensive a Police Force are...first, the great disparity of the sexes, secondly, the penal character at the same period of a large proportion of the population, and thirdly the dispersion over an immense extent of territory of the population engaged in pastoral pursuits.” The numerous witnesses examined...by earlier Committees concurred in stating, as a general proposition, “that the best men were not to be procured for the Constabulary; and although unquestioned that the Police Force is

gradually improved in character, and is at the present moment infinitely superior to what it was fifteen years ago, still it must be admitted that this particular service does not always attract the most desirable class of persons...There is another and still more influential cause of the inefficiency of the Police in this Colony, the absence of all co-operation and unity of action between the several local divisions of it. There has never any generalised system of Police extending over the whole Colony. The Police Forces of the respective districts act wholly independently of one another...Hardly ever co-operating, and but seldom even communicating with each other, the unity of purpose and rapidity of action so essential to their efficiency, have been wholly wanting...After full consideration of...the Police, your Committee beg to record their opinion that the Constabulary Force of this Colony...is inadequate to secure the protection of life and property, for the following reasons:- (1) its numerical insufficiency, having regard to the scattered nature of the population; (2) because the best description of men have not been attracted to the service; and (3) the absence of any regular system of co-operation...Your Committee have unanimously agreed to recommend the organization in this Colony of a Police Force, under the provisions of an Act of the Legislature.” The Committee expressly repudiated the idea proposed by earlier Committees that the Police Force should be reconstituted by men from England or Ireland, “Because amongst the widely scattered population of the interior of this Colony the duty of an efficient constable presupposes the qualification of being a good bushman, which can only be acquired from long practice.; [and] because the habits and character of the people differ so widely from those of the United Kingdom...the total absence of local information must prove a serious drawback to the usefulness of a Constabulary Force newly arrived from Great Britain...The character of the Police in this Colony has very much improved of late years...There is, moreover, at the present moment, a number of men in the Colony who have been or are about to be disbanded from the Mounted Police, and from the 11<sup>th</sup> Regiment, who are available and highly eligible for this service...Your Committee recommend that the Force...should be placed under the superintendence of an officer to be called ‘Inspector General of Police...his whole energy being directed to the supervision of the Police throughout the Colony, with a view to the prevention and detection of crime’..[He] should be assisted by five Provincial Inspectors [in the several Districts but]...but your Committee consider it absolutely necessary that the services of the Superintendent of Police in Sydney should be retained under the direction of the Inspector General... [to be responsible for] the supervision and management of the Constabulary Force in Sydney and the suburbs of the City...[and] that the office of Police Magistrate for Sydney should be restored...the separation of the Executive from the Judicial functions of Police must be rigidly observed, in order to carry out with proper efficiency the system now proposed.”

## 1850/11 COMMITTEE ON THE BANKING SYSTEM

*See also* 1852/16

*Background* By the 1850s there had been many banks in the Colony. Some had prospered, some had fallen by the wayside. The significant surviving ones in Sydney were the Commercial Banking Company of Sydney; the Bank of New South Wales; the Bank of Australasia; the Union Bank of Australia; and the Savings Bank of New South Wales. The Government kept a close eye on the banking system. For instance, on 21 July 1840/18 the Governor had proposed that the Council should pass a *Bill to provide for the periodical publication of the Assets and Liabilities of Banks in New South Wales ad its Dependencies*,

*and the Registration of the names of the Proprietors thereof.* Whether or not these returns provided the information that Council members wanted, a review of the banking system appeared to be required. With this end in view, on 25 June 1850/11 John Lamb proposed the appointment of a Committee “to inquire into the system of Banking now prevailing in the Colony”.

*Members of the Committee* John Lamb; The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; Stuart Alexander Donaldson; The Auditor General (William Lithgow); James Macarthur; Henry Moor; Terence Aubrey Murray.

*Witnesses examined by the Committee* Edward Knox, Manager of the Commercial Bank; John Hunter Baillie, Assistant Secretary in the Bank of New South Wales; James John Falconer, Superintendent of the Bank of Australasia; William Fletcher, an Inspector of the Union Bank of Australia; George Miller, Accountant of the Savings' Bank; George Robert Nichols, member of the Legislative Council.

*Report of the Committee* The Report and Evidence were tabled on 12 September 1850/55 and were ordered to be printed. Apart from inquiring “into the system of Banking now prevailing in this Colony”, the Committee’s terms of reference were “(1) Whether the Returns furnished in accordance with the provisions of the Act 4 Vict., No. 13, afford all the information with regard to the Banks which is desirable, and if not, to report in what respect the form of these Returns should be amended. (2) To ascertain the average amount of public money deposited in each of the Banks, and to report upon the security the several Institutions afford for the safe custody and due payment of funds entrusted to them. (3) To report on the state of the Currency of the Colony, and whether it necessary to make any alteration in the Law whereby it is at present governed. (4) To inquire into the amount of notes payable on demand issued by the Banks and by private individuals, and to report whether any legal enactment is required to regulate or restrain such issues.” The Committee reported as follows: “Firstly...the Returns furnished in accordance with the provisions of the Act...do not afford all the information desirable...and they would recommend the adoption of forms...in which the amount of Government securities appear distinct from other securities, and the public deposits are separated from other deposits...The ...Act...requires that Managers shall...file in the Supreme Court, lists of the *names* of the then existing proprietors or members of their several Companies or Firms, with their respective places of abode and *descriptions*. These lists...ought to be published in the...Government Gazette....Secondly—Your Committee find that the amounts of public money in each of the Banks on the 30<sup>th</sup> of June last...are perfectly secure. Thirdly [the Committee] -- ...having considered the evidence...respecting the metallic currency of the Colony, do not think it necessary or desirable to recommend any alteration, at present, in the laws affecting it. Fourthly, Your Committee perceive...that the Bank notes in circulation during the quarter ending June 30<sup>th</sup> 1850 averaged £267,654. This amount your Committee deem very moderate, compared with the population and commerce of the country. And they do not apprehend the possibility of any excessive issue so long as these notes are payable in coin on demand. But in addition to the sum above stated, there appears to have been a considerable issue of paper by private individuals in notes (resembling Bank notes) varying from one shilling to one pound...all persons or co-partners issuing promissory notes payable to the bearer on demand should be obliged to keep accounts of their circulation and to make periodical returns...it is of no doubt important that Government and the public should at all times know the amount and description of paper money in circulation...Regarding the circulation of notes payable on demand, or after sight,

representing sums under twenty shillings...the preponderance of the evidence adduced leads your Committee to the conclusion, that they can be dispensed with, even in remote districts without any great inconvenience...In conclusion...it does not appear desirable to prevent payment to servants or workmen, or in settlement of accounts, by cheques or orders, of any amount...But as it has been represented that many persons, especially those of the laboring class, are subjected to great inconvenience, and occasionally to heavy loss, being paid in notes, cheques and orders, your Committee would recommend the enactment of a law obliging the issuers of all such paper to make it payable, on presentation, in sterling money in some city or town within the Colony.

## **1850/18 COMMITTEE ON RUSSELL'S NEPEAN BRIDGE BILL**

*See also* 1845/22

*Background* The road from Sydney to Bathurst in the west had to cross the Nepean River near Penrith by a ferry or punt which was out of action in times of flood, and for which waiting times were often unacceptable. On 9 September 1845/22 the Council had examined a proposal from William Russell to build a toll bridge. For a discussion on this *see back* 1845/22. This bridge was not built, but five years later, on 25 June 1850/11, William Charles Wentworth sought leave to introduce *A Bill to enable William Russell, Esq., of Regentville, in the County of Cumberland, to erect and maintain a Bridge over the River Nepean, near the Town of Penrith, and to take Toll thereof for a term of years, and for other purposes therein mentioned.* On 9 July 1850/18 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* William Charles Wentworth; Thomas Icely; James Macarthur; William Bowman; The Auditor General (William Lithgow); Robert Fitzgerald.

*Witnesses examined by the Committee* [F W Unwin appeared as Solicitor for the promoter of the Bill.] Thomas Livingstone Mitchell, Surveyor General; William Hall Palmer, of Kirk Connel, near Bathurst; Gother Kerr Mann, civil engineer; Charles Edmund Langley, surveyor; David M'Beath, surveyor appearing for R Copeland Lethbridge, Dr Clarke, and J Perry, all of whom were in opposition to the Bill.

*Report of the Committee* The Report was tabled on 27 August 1850/45 and the Bill had its second reading: it appears that the Committee may have made minor amendments but generally reported in favour of the Bill. The second reading, however, was rescinded on a technicality on 28 August 1850/46; a second reading then took place on 30 August 1850/48 and the Bill was considered by the Council in Committee on the same day and again on 20 September 1850/60 when it had its third reading and was *passed* under its original title.

## **1850/18 COMMITTEE ON THE BANK OF NEW SOUTH WALES BILL**

*See also* 1834/4, 1852/14, 1852/16

*Background* On 5 July 1850/17 The Attorney General (John Hubert Plunkett) tabled *A Bill to incorporate the Proprietors of a certain Banking Company called the Bank of New South*

*Wales', and for other purposes therein mentioned.* The Bill was read for the first time that day, and on 9 July 1850/1 Plunkett moved the appointment of a Committee to consider the Bill.

*Members of the Committee* The Attorney General (John Hubert Plunkett); George Robert Nichols; The Colonial Treasurer (Campbell Drummond Riddell); William Henry Suttor; William Macarthur.

*Report of the Committee* The Report of the Committee was tabled on 28 August 1850/46; it was not printed. The Bill had its second reading on 30 August 1850/48, and was considered by the Council sitting in Committee. It was read a third time on 6 September 1850/52 and was *passed*.

### **1850/18 COMMITTEE ON THE BRITISH AUTHORS BILL**

*Background* On 9 July 1850/18 Terence Aubrey Murray sought leave to introduce *A Bill to authorise the introduction and sale in this Colony of foreign copies of the works of British Authors*. A Committee was appointed to prepare the Bill. On 25 July 1850/27 Murray, on behalf of the Committee, tabled *A Bill to amend the law relating to the protection in this Colony of Works entitled to Copyright in the United Kingdom*; it had its first reading on that day.

*Members of the Committee* Terence Aubrey Murray; The Speaker (Charles Nicholson); Phillip Parker King; George Robert Nichols; The Attorney General (John Hubert Plunkett); Stuart Alexander Donaldson; William Macarthur; Henry Watson Parker.

*Report of the Committee* The second reading of the Bill took place on 23 August 1850/44, and the Council in Committee considered it on that day. After a series of postponements over the next few weeks, the Bill, on the “motion of the Collector of Customs, [John George Nathaniel Gibbes, was] discharged from the [Notice] Paper”.

### **1850/18 COMMITTEE ON THE CATTLE PROTECTION BILL**

*Background and Report of the Committee* On 19 June 1850/9 the Governor by Message sent to the Council “a draft of a Bill to extend to other Towns in the Colony *An Act to amend the Laws relating the Licensing of Slaughter Houses, within the City and Suburbs of Sydney, and for the prevention of other nuisances therein*. The Bill, now renamed the *Cattle Slaughtering Laws Bill*, came up for its second reading on 20 June 1850/10 but was postponed to 4 July 1850/16 and again to 9 July 1850/18 when on the motion of Terence Aubrey Murray, the Bill, again renamed as *The Slaughter House Laws extension Bill*, was further considered by the Council in Committee (as *The Cattle Protection Bill*). On 23 July 1850/26 the Council adopted the Report of the Committee (not printed), and on 29 July 1850/29 the Bill was read a third time and *passed*.

### **1850/24 COMMITTEE ON THE FEMALE CHILDREN'S APPRENTICING BILL**

*Background* On 25 June 1850/11 the Governor, by Message, sent to the Council *A Bill to make effectual provision for the apprenticing of female children admitted and to be admitted into The*

*Female School of Industry' to the Secretary for the time being of the said Society, and to authorize such Secretary to apprentice such children to other persons.* The Bill was set down for its first reading on 4 July 1850/16 but this was postponed to 18 July 1850/24; it was referred to a Committee “to obtain proof of the allegations contained in the Preamble”.

*Members of the Committee* The Colonial Treasurer (Campbell Drummond Riddell); The Attorney General (John Hubert Plunkett); Phillip Parker King; James Macarthur; George Robert Nichols.

*Report of the Committee* The Report of the Committee was tabled on 16 August 1850/40. “Your Committee having taken into consideration the Bill referred to them, beg leave to report that they consider the Preamble to have been fully proved; and they have carefully noted in the Bill, as printed, amendments which they consider desirable to be made therein”. The Act was *passed* on 11 September 1850/54 and received Royal Assent on 1 October 1850.

## **1850/25 COMMITTEE ON STEAM COMMUNICATION WITH EUROPE**

*See also* 1845/21, 1846/6, 1848/4, 1850/25, 1855/13

*Background* The desire to achieve speedier communication (especially the carriage of mail) with Britain and the rest of Europe by using steam ships for at least part of the journey, dated back to at least September 1845/21 when the Council approved an Address to Her Majesty on the subject. This had been rejected on grounds of cost, but the issue had been considered by Committees appointed on 16 September 1846(2)/6 and 29 March 1848/4. The earlier Committees had proposed, amongst other matters, subsidies towards the running costs. On 19 July 1850/25 Stuart Alexander Donaldson moved the appointment of a Committee “to inquire into and report upon the probability or otherwise of this Colony obtaining the advantages of Steam Communication with Europe, by way of Singapore, by any arrangements to be made by the Home Government:--And that it be an instruction to that Committee to inquire into and report upon (1) The expediency of withdrawing the vote of £6,000 a year which has now for four years been held at the disposal of the Home Government for this purpose without effect. (2) The propriety of appropriating £6,000 a year out of the General Revenue of this Colony, as a bonus to any person or body of persons who will accomplish this great object by private enterprise. (3) The expediency of appropriating all the postages directly derived from this mode of communication with India and Europe to the same object in the same way. (4) The modifications necessary in the present Postage Law of New South Wales for this purpose”.

*Members of the Committee* Stuart Alexander Donaldson; Phillip Parker King; John Lamb; James Macarthur The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth.

*Report of the Committee* The Committee reported on 3 September 1850/49 and was printed. No witnesses were examined since the present Committee had access to the Evidence taken before the 1846 and 1848 Committees which was strongly in favour of the route via the Torres Strait and Singapore. “Your Committee have reason to believe that negotiations between the Home Government and the Peninsular and Oriental Steam

Navigation Company, having for their object the establishment of a monthly line of Steamers to run between Singapore and Sydney, have so far advanced towards completion, that a tender has been made by that Company to convey Her Majesty's Mails by that route, provided that the whole of the Oriental Mails, including that from Bombay to Suez (hitherto conveyed by the Steamers of the Honorable East India Company) be included in the contract. It would seem, however, that difficulties have arisen...which threaten to delay the settlement of the question for some considerable time...Your Committee have also reason to apprehend that...the route to be taken by the Steamers from Singapore to Sydney, will be by way of Western Australia, Adelaide, and Port Phillip, so that Sydney will be the last port of arrival...the plan proposed is very unfavorable to this Colony, and to the Port of Sydney in particular”.

## **1850/25 COMMITTEE ON A PROPOSED SETTLEMENT AT CAPE YORK**

*Background* On 19 July 1850/25 George Robert Nichols moved the appointment of a Committee to inquire into and report “on the expediency of forming a settlement at Cape York, or its immediate neighbourhood”. This related as much to the proposals for steam communication with Europe via the Torres Strait route which would need coaling stations at intervals as to the defence implications which a garrison might remedy. The Council agreed to the appointment of a Committee whose membership was suggested in the motion.

*Members of the Committee* George Robert Nichols; Phillip Parker King; William Macarthur; Stuart Alexander Donaldson; The Speaker (Charles Nicholson); David Cooper, jnr.

*Witnesses examined by the Committee* Thomas Livingstone Mitchell (Surveyor General); Thomas Watson (sometime Captain of the vessel *Essington*, which had been involved in the foundation of the settlement at Port Essington); William Carron (a surviving member of the Edward Kennedy expedition to explore the Cape York Peninsular).

*Report of the Committee* The Report of the Committee and the Minutes of Evidence were tabled on 19 September 1850/59 and were printed. The Committee was not only convinced of the need for a coaling station to be established at Cape York (probably at Albany Island), but noted that witnesses were of the opinion that there was good quality land which could be sold to settlers and traders. “Your Committee...do not hesitate to recommend that a survey of Albany Island be made at the earliest practicable period---that a township be laid out, and a limited number of allotments offered for sale in Sydney...As the Home authorities have declined to take the initiative in such a proceeding, it becomes, in the opinion of your Committee, the province of your Honorable House to advise the local Government to take the step they have recommended. No great outlay—no extraordinary hazard is likely to attend the enterprise, for the sum realized by the sale of land would more than meet the cost of equipping an exploring party; and as the climate is described to be salubrious, and the Aboriginal natives not likely to be hostile, there would be no risk of life, either to the Surveyors or the early occupants.” No action on the matter occurred during the life of the present Council, which was prorogued on 2 October 1850/68. a great deal of time and energy had been expended in the consideration of the proposal of the Home Government to resume transportation of convicts to New South Wales, and that and the consideration of the proposed new constitution were all that could be accomplished. It is

not improbable that the fact that that there almost certainly was not going to be a Torres Strait route may have influenced a reason for not proceeding with the proposal.

## 1850/27 COMMITTEE ON THE HYDE PARK BILL

*Background* Hyde Park in Sydney was proclaimed by Governor Lachlan Macquarie in 1810. By the 1830s it had been divided into four approximately equal areas by two roads—Park Street running west to east and becoming William Street, leading to the South Head Road,

; and an extension of Macquarie Street which ran south to north from Circular Quay to Liverpool Street. On 12 July 1850 Governor Fitz Roy, by Message, proposed *A Bill to authorize the Surveyor General to enclose certain parts of the public road running through Hyde Park in the City of Sydney, known as a continuation of Macquarie-street, and to authorize the same to be included with the enclosure of the Domain, known as Hyde Park.* The Governor explained that “the closing of Macquarie-street from Park to Liverpool-street was pressed upon the attention of the Government by a memorial signed by a number of the most respectable Inhabitants of the neighbourhood; but it was conceived that the reasons which were alleged for closing that line of street from Liverpool to Park-street were equally applicable to that portion of it running from Park-street to the north extremity of Hyde Park”. The Bill had its first reading on 18 July 1850/24 and its second reading on 25 July 1850 when the Committee appointed a Committee “with instructions to consider and report upon the expediency of the measure”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Colonial Treasurer (Campbell Drummond Riddell); Major General Edward Buckley Wynyard; Daniel Cooper jnr; James Martin; George Allen; The Speaker (Charles Nicholson).

*Witnesses examined by the Committee* John Dalley, resident of Macquarie Street; John Smith, owner of property in Macquarie Street.

*Report of the Committee* The Report and Minutes of Evidence were tabled on 30 August 1850/48 and were printed. The Committee was of the opinion “that the owners of property in every part of Macquarie Street, whether on the north or south of Hyde Park, will object to the enclosure of that street unless with adequate compensation; that such enclosure will very materially deteriorate the value of all landed property in Macquarie-street south, and will occasion some deterioration in Macquarie-street north; and that the improvements proposed by this Bill are not of sufficient public importance to justify a grant of public money to meet the compensations to which they conceive the parties thus injured would be fairly entitled”. On 20 September 1850/60, on the motion of William Charles Wentworth, the Council resolved to adopt the Report of the Committee. The result, of course, was that the matter went no further and the interests of influential landholders, one of whom appears to have been Wentworth, were preserved. The north-south street probably remained a public thoroughfare until the major disruption of the construction of the cut and fill underground railway in the 1920s; following this the park was returned to public use. The north-south road remains to this day as a public pedestrian-only route.

## 1850/30 COMMITTEE ON THE BENEVOLENT SOCIETY'S BILL

*Background* On 19 July 1850/25 the Governor, by Message, sent to the Council *A Bill to enable the Trustees of the Benevolent Society to sell and dispose of certain lands and to apply the proceeds in aid towards the erection of additional buildings.* The Benevolent Society was Australia's oldest charity, founded in 1813. Although its main source of income came from its members, the Colonial Government had always looked kindly on it. An Act which enabled the Society to sue and be sued was passed in the 1830s. The Bill now proposed had its first reading on 31 July 1850/30, when it was referred to a Committee for consideration and report.

*Members of the Committee* James Macarthur; James Byrnes; John Bayley Darvall; John Lamb; George Robert Nichols.

*Report of the Committee* The Report was tabled on 10 September 1850/53 and the Bill had its second reading on 13 September 1850/56 when it was considered by the Council in Committee. It was read a third time on 25 September 1850/62 and was *passed*.

## 1850/36 COMMITTEE ON MITCHELL'S TRAMWAY BILL

*See also* 1853/52

*Background* Coal mined at Newcastle had to be transported from mine to wharf; the tramways used would sometimes encroach on private property. One of these instances arose with the mines of James Mitchell. On 26 July 1850/28 Stuart Alexander Donaldson obtained leave to bring in a private member's *Bill to authorize the construction of a Tram or Railway, to connect the Tramroad at Burwood with the Public Wharf at Newcastle, in the County of Northumberland, in the Colony of New South Wales.* Mitchell had already constructed his tramroad from the mine to the boundary of his property with that of the Australian Agricultural Company. There being no route to the wharf other than continuing through the A A Company's land: the Bill made provision for the payment of adequate compensation to the Company if it was prepared to grant access to its land. The Bill had its first reading on 9 August 1850/36 and was referred to a Committee for consideration and report.

*Members of the Committee* Stuart Alexander Donaldson; Henry Dangar; George Robert Nichols; Donald McIntyre; Henry Moor.

*Witnesses examined by the Committee* [George Kenyon Holden appeared as solicitor for the Promoter of the Bill; James Norton appeared as solicitor for the Australian Agricultural Company in opposition to the Bill] James Mitchell, owner of the Burwood coal mine; William Croasdill, examined on behalf of the Australian Agricultural Company by Mr Norton; William Brooks, resident of Newcastle and former member of the District Council of Newcastle; James Donaldson.

*Report of the Committee* The Report was tabled on 28 August 1850/46. It was brief: "Your Committee having taken into consideration the Bill referred to them, beg leave to report that they consider the Preamble to have been fully proved; and they have noted in the Bill, as printed, the amendments which they consider desirable to be made therein". The Bill then had its second reading on 3 September 1850/49. On the motion of Henry

Watson Parker, Counsel for the Australian Agricultural Company was admitted to the Bar of the House and was heard against the passing of the Bill. On 10 September 1850/53 the Council in Committee considered the Bill, and adopted the Report with amendments. The third reading of the Bill took place on 20 September 1850/60 and it was passed as *An Act to authorize the continuation of a Tramroad from Burwood to the Wharf at Newcastle*; it received Royal Assent on 1 October 1850. The effect was that Mitchell was able to continue his tramroad through the A A Company's land, on payment of a prescribed compensation.

## First Session of 1851

### 1851(1)/1 COMMITTEE TO PREPARE AN ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH OPENING THE SESSION

*Background* In accordance with normal practice the Governor had made a speech opening the 1851 (First) Session. He explained that "The object for which I have called you together is the consideration and enactment of the measures necessary for giving effect to the provisions of the Imperial Act...for...the division of the Colony into electoral districts on the separation of Port Phillip from the Middle District [New South Wales], and of Port Phillip on its erection after such separation into the Colony of Victoria". To this end the Governor would lay before the House the necessary Bills to achieve the desired result. A Committee was appointed to prepare the Address in Reply.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; William Westgarth; George Robert Nichols.

*Report of the Committee* The Council approved the formal Address in Reply prepared by the Committee. It was presented to the Governor the following day (1 April 1851(1)/2).

### 1851(1)/2 STANDING ORDERS COMMITTEE

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; Stuart Alexander Donaldson; William Charles Wentworth; George Robert Nichols; Terence Aubrey Murray.

### 1851(1)/2 LIBRARY COMMITTEE

*Members of the Committee* The Speaker (Charles Nicholson); Henry Watson Parker; James Macarthur; William Charles Wentworth; Phillip Parker King; John Dickson; George Robert Nichols.

### 1851(1)/4 COMMITTEE ON THE NEW CONSTITUTION

*See also* 1850/1, 1852/6, 1852/32, 1852/32, 1853/6

*Background* The Council was deeply concerned that the Imperial Act of Parliament, 13 and 14 Victoria, cap. 59, (*see note below\**) did nothing to address the grievances relating to the administration of the Waste Lands of the Colony and the expenditure of the revenue derived from the sale of those lands, and a number of other issues relating to the autonomy of New South Wales. On the motion of William Charles Wentworth on 8 April 1851(1).4, the Council resolved to have prepared a “Remonstrance against the Act.” A Committee to prepare it was appointed by ballot.

*Members of the Committee* William Charles Wentworth; Henry Moor; Stuart Alexander Donaldson; James Macarthur; William Drummond Mercer; Robert Fitzgerald; Terence Aubrey Murray; Daniel Cooper, jnr; Henry Dangar; James Martin.

*Report of the Committee* The Report was tabled on 29 April 1851(1)/13 and was printed. It is highly likely that the Report is substantially the work of Wentworth, who had chaired the Committee. On 1 May 1851(1)/15, Wentworth moved that a slightly amended version of the Remonstrance “be adopted and entered on the Minutes of this House”. The document was, at least to 21st century eyes, a rather emotional plea—“We, The Legislative Council...feel it to be a duty which we owe to ourselves, to our constituents, and to posterity before we give place to the New Legislature established by the 13 and 14 Vic., cap. 50, to record our deep disappointment and dissatisfaction at the Constitution conferred by that Act on this Colony. After the reiterated reports, resolutions, addresses, and petitions which have proceeded from us during the whole course of our legislative career, against the Schedules appended to [the Act]...and the appropriations of our Ordinary Revenue under the sole authority of Parliament—against the administration of our Waste Lands, and our Territorial Revenue thence arising—against the withholding of the Customs’ Department from our control—against the dispensation of the patronage of the Colony at the dictation of the Minister for the Colonies—and against the veto reserved and exercised by the same Minister, in the name of the Crown, in matters of Local Legislation—we feel that we had a right to expect that these undoubted grievances would have been addressed by [the Act]”. The Council (by 18 votes to 8) then “do accordingly hereby solemnly protest, insist, and declares as follows:- 1st.—That the Imperial Parliament has not, nor of right ought to have, any power to tax the people of this Colony, or to appropriate any of the monies levied by authority of the Colonial Legislature...2nd.—That the Revenue arising from the Public Lands, derived as it is, ‘mainly’ from the value imparted to them, by the labour and capital of the people of this Colony, is as much their property as the ordinary Revenue, and ought therefore to be subject only to the like control and appropriation. 3rd.—That the Customs and all other Departments should be subject to the direct supervision and control of the Colonial Legislature...4th.—That offices of trust and emolument should be conferred only on the settled inhabitants, the office of Governor alone excepted...5th.—That plenary powers of Legislation should be conferred upon and exercised by the Colonial Legislature...and that no Bills should be reserved for the signification of Her Majesty’s Pleasure, unless they affect the Prerogatives of the Crown, or the general interest of the Empire”. The Council then resolved that the Governor be requested that a copy of the request and remonstrance be transmitted to the Secretary of State for the Colonies; and that the Speaker, or the Clerk of Council, send copies to all Members of the Privy Council, and to others who had taken an interest in Colonial affairs, and particularly those of the Australian Colonies.

\*The Imperial Act 13 and 14 Vic., cap 59 is printed, with copies of a Despatch dated 30 August 1850 from Earl Grey, Secretary of State for the Colonies, to Governor Fitz Roy, immediately following the record of the last meeting of the Council on 2 May 1851(1)/16.

## Second Session of 1851

### 1851(2)/4 COMMITTEE ON STANDING ORDERS

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); William Charles Wentworth; Henry Watson Parker; James Macarthur; Stuart Alexander Donaldson; George Robert Nichols; Charles Cowper; Edward Broadhurst.

*Report of the Committee* The Report of the Committee with Proposed Standing Rules and Orders was tabled on 30 October 1851(2)/11 and was printed.

### 1851(2)/7 COMMITTEE ON THE PENRITH NEPEAN BRIDGE BILL

*See also* 1845/22, 1850/18

*Background* The main Western Road, to Bathurst and to the recently discovered gold fields, had to cross the Nepean River. The only means of crossing was a Government-owned punt, leased to a private individual who determined the tolls he exacted from the users of the punt. These charges were considered by many users to be excessively high; but more significantly, the punt was slow in crossing in both directions, could only take one wool waggon at a time, and was unsuitable for traverse by flocks of sheep. In addition, it was unusable in times of flood, or at other times of high water. For proposals by William Russell (not carried through) to build a bridge *see above* 1845/22 and 1850/18. On 23 October 1851(2)/7 John Bayley Darvall introduced *A Bill to incorporate a Company called the 'Penrith Nepean Bridge Company', and to enable the said Company to erect and maintain a Bridge over the River Nepean, at Penrith, in direct continuation of the present line of the Great Western Road, and to take tolls thereat for a term of years, and for other purposes therein mentioned.* This Bill having had its first reading was referred to a Committee for consideration and report. On 28 October 1851(2)/9 Edward Broadhurst presented a petition from William Russell in opposition to the Bill; this was referred to the Committee.

*Members of the Committee* John Bayley Darvall; Phillip Parker King; William Macarthur; The Auditor General (William Lithgow); James Martin; Arthur Tod Holroyd; John Rose Holden.

*Witnesses examined by the Committee* Robert Copland Lethbridge, appearing on behalf of the promoters of the Bill; David McBeath, Surveyor for the Penrith Road Commissioners who would be responsible for the construction of the bridge; James Norton, Solicitor, acting on behalf of the landholder, Daniel James Woodriff who was out of the Colony.

*Report of the Committee* The Report and Evidence were tabled on 18 November 1851(2)/21. The Report with amendments, and the Evidence were printed.

### 1851(2)/8 COMMITTEE OF ELECTIONS AND QUALIFICATIONS

*Background* From time to time questions of the legality of the election process arose and required determination. One such instance had been whether James Martin, elected in 1849 as the Member for Cook and Westmoreland, had the appropriate property qualification. For the Report of the Select Committee which investigated this matter *see above* 1849/8. *The Electoral Act* of 1851 formalized the matter by providing for the appointment by the Speaker, by Warrant, of a Committee of Elections and Qualifications at an early date in each Session. The Committee for the Second (and principal) Session of 1851 was appointed on 24 October 1851(2)/8.

*Members of the 1851 Committee* George Allen; James William Bligh; James Chisholm; Phillip Parker King; John Lamb; James Macarthur; The Solicitor General (William Montagu Manning).

### **1851(2)/11 COMMITTEE ON THE NEW SOUTH WALES MARINE ASSURANCE COMPANY'S BILL**

*Background* On 30 October 1851(2)/11 Charles Cowper introduced *The New South Wales Marine Assurance Company's Bill*; it was referred to a Committee.

*Members of the Committee* Charles Cowper; The Attorney General (John Hubert Plunkett); Arthur Jeffreys; James Chisholm; Thomas Ware Smart; James Brindley Bettington; George Robert Nichols.

*Witnesses examined by the Committee* George John Rogers, Solicitor to the New South Wales Marine Assurance Company; Edward Knox, Chairman of the Company.

*Report of the Committee* The Report was tabled with amendments to the Bill on 11 November 1851(2)/17 and was printed. The Bill was recommended to the Council.

### **1851(2)/11 COMMITTEE ON THE AUSTRALASIAN STEAM NAVIGATION COMPANY'S BILL**

*Background* On 30 October 1851(2)/11 Charles Cowper introduced *The Australasian Steam Navigation Company's Bill*; it was referred to a Committee.

*Members of the Committee* Charles Cowper; The Attorney General (John Hubert Plunkett); John Lamb; George Allen; William Dumaresq; James Brindley Bettington; John Richardson.

*Witnesses examined by the Committee* Piddocke Arthur Tompson, Solicitor to the Australasian Steam Navigation Company; James Paterson, Chairman of the Company.

*Report of the Committee* The Report was tabled on 12 November 1851(2)/18 without amendment to the Bill which was recommended to the Council.

## 1851(2)/12 COMMITTEE ON GENERAL GRIEVANCES

*See also* 1844/1, 1851(1)/4

*Background* The Colonists had long complained that the Imperial Parliament had constantly interfered with the wishes of the Colony for control over the revenue from the sale of Crown Lands, and on a number of other matters. All of these issues had been addressed by the former (first 1851) Council and a ‘remonstrance’ had been prepared (largely at the instigation of William Charles Wentworth—*see above* 1851(1)/4). For the text of the ‘remonstrance’ *see* Votes and Proceedings 1 May 1851(1)/15. It had been intended for the members of the British Privy Council and was to have been widely distributed elsewhere. It is not known whether that had been done, since the Session had been prorogued the following day. In the Second Session of the 1851 Council on 31 October 1851(2)/12 William Charles Wentworth moved the appointment of a Committee “to prepare Petitions to Her Majesty and both Houses of Parliament, setting forth all the Grievances of the Colony, whether the result of Imperial Legislation or of Imperial Executive Control”.

*Members of the Committee* William Charles Wentworth; James Macarthur; John Bayley Darvall; Stuart Alexander Donaldson; John Lamb; Arthur Tod Holroyd; James Martin; Charles Cowper, William Dumaresq.

*Report of the Committee* On 27 November 1851(2)/26 Wentworth tabled the Report containing “Draft Petitions to Her Majesty and to both Houses of Parliament...setting forth all the Grievances of the Colony...” It was printed. The Petitions embody all of the substance and most of the actual words of the ‘Remonstrance’ prepared earlier in the year and are not reproduced here.

## 1851(2)/12 COMMITTEE ON THE SYDNEY EXCHANGE COMPANY’S BILL

*Background* On 31 October 1851(2)/12 Charles Cowper introduced *The Sydney Exchange Company’s Bill*; it was referred to a Committee.

*Members of the Committee* Charles Cowper; George Allen; Edward Broadhurst; Stuart Alexander Donaldson; John Rose Holden; Arthur Jeffreys; Richard Jones.

*Witnesses examined by the Committee* William Dawes, Secretary to the Sydney Exchange Company; Adolphus William Young, Solicitor for the Sydney Exchange Company.

*Report of the Committee* The Committee reported the Bill with amendments on 18 November 1851(2)/21 and recommended it to the Council.

## 1851(2)/21 COMMITTEE ON THE CATARACT AND NEPEAN BRIDGES BILL

*See also* 1852/25

*Background* It should be noted that the bridge over the Nepean River referred to here is not the bridge at Penrith (on the Great Western Road) which is the subject of the entry at 1851(2)/7. What is referred to in the present entry are two other river crossings, Broughton's Pass at Cataract, and Pheasants Nest at the River Nepean at a point much closer to its source. A route bridging these crossings would be shorter than the existing Great South Road over the Razorback ridge, near Camden, and in addition would give an alternative route to the Illawarra District. The gorges through which these rivers run in this area are very deep and the crossing places at both are difficult of access, and hazardous in the extreme. However, Thomas Livingstone Mitchell, the Surveyor General was confident that it was practicable to bridge both crossing places above normal flood levels, with good access. On 18 November 1851(2)/21 John Rose Holden introduced *A Bill to enable William Hilton Hovell...to erect a Bridge over the Cataract River, and a Bridge over the Nepean River*. The Bill was referred to a Committee for consideration and report.

*Members of the Committee* John Rose Holden; Alick Osborne; George Allen; William Lithgow; Arthur Tod Holroyd; William Bradley; Edward Flood; Arthur Jeffreys.

*Witnesses examined by the Committee* Frederick Wright Unwin, solicitor; Thomas Livingstone Mitchell, Surveyor General; Hart Davis Sparling, clergyman.

*Report of the Committee* The Report, with minor amendments, and the Minutes of Evidence were tabled on 26 November 1851(2)/25 and were printed. This proposed new route for the Great South Road was not immediately put into place; it was not until the late 20th century that the road (now known as the Hume Freeway/Highway) via Pheasants Nest (and at least two other bridged gorges) supplanted the route over Razorback, although the Old Hume Highway still exists.

## **1851(2)/22 COMMITTEE ON THE SYDNEY BETHEL UNION BILL**

*Background* The Sydney Bethel Union, at the bottom of Erskine Street, Sydney had been granted land by Governor Sir Richard Bourke in 1834 for the purpose of building a chapel, which was called the Mariners Church. However, by 1851 the Trustees had decided that since the site was out of the way and difficult to find, it should be sold and the proceeds applied to building a new church on a more suitable site. Government approval was required for the disposal of a Crown grant, and the Solicitor General (William Montagu Manning) moved on 26 November 1851(2)/25 the appointment of a Committee to examine the proposed *Sydney Bethel Union Bill* which had been prepared for Council approval.

*Members of the Committee* William Montagu Manning, Solicitor General; John Lamb; Charles Cowper; Henry Grattan Douglass; George Oakes; Stuart Alexander Donaldson; James William Bligh.

*Witnesses examined by the Committee* John Dillon, Solicitor for the Sydney Bethel Union; Launcelot Edward Threlkeld, Minister of the Mariners Church.

*Report of the Committee* The Report and the Evidence were tabled on 19 November 1851(2)/25 and were printed.

## 1851(2)/22 COMMITTEE ON THE PARISH ROADS BILL

*Background* In the 1850s roads, other than those in the towns and cities, were either the major roads designated as the Great South Road, the Great West Road, the Great North Road. Important but minor roads called Parish Roads were maintained by Parish Road Trusts with income from tolls. On 19 November 1851(2)/22 Charles Cowper moved that *A Bill to amend...An Act...to provide for the making a repairing of Parish Roads in the Colony of New South Wales and to enlarge and extend the powers thereof* be referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; Thomas Ware Smart; William Bradley; George Robert Nichols; Alick Osborne; Arrthur Jeffreys; Edward Flood; William Charles Wentworth.

*Witnesses examined by the Committee* Frederick Wright Unwin, Solicitor for the Bill; James Oatley, member of the Cooks River Road Trust; John Icke Kettle, member of the Cooks River Road Trust; Ralph Mayer Robey, member of the Cooks River Road Trust; Joshua Frey Josephson, proprietor resident on the Cooks River Road.

*Report of the Committee* The Report and Minutes of Evidence were tabled on 3 December 1851(2)/29 and were printed. The Committee noted that the immediate proposal at issue was the desire of the Cook's River Road Trust to extend its operations beyond its own territory for the convenience of some road users from the external territory, it having been argued that the cost involved would be offset by increased tolls. After hearing evidence for and against the proposal, which included statements that the desire of the Trust to have its territorial responsibilities increased was not evidenced by a majority of the Trustees, and an anecdotal suggestion that the extension would allow financial gain to two of the Trustees, the Committee decided that the Preamble to the Bill was to some extent misleading. Its recommendation to the Council was, therefore, against the Bill.

## 1851(2)/28 COMMITTEE ON THE GREAT LEADING THOROUGHFARES OF THE COLONY

*See also* 1835/2, 1845/21, 1846(1)/8, 1851(2)/21, 1851(2)/22, 1851(2)/28, 1854/10

*Background* On 2 December 1851(2)/28, the Colonial Secretary (Edward Deas Thomson) moved the appointment of a Committee "to suggest an equitable distribution of the sums placed on the Estimates for 1852, amounting to £21,000, for the repair of the Great Leading Thoroughfares of the Colony".

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); George Farquhar Leslie; Henry Hughes; William Dumaresq; Stuart Alexander Donaldson; John Rose Holden; William Macarthur; William Bradley; Thomas Icely; James Martin.

*Report of the Committee* The Report was tabled on 9 December 1851(2)/32. No witnesses had been called for examination by the Committee. The Committee had been observed that "In the absence of detailed information respecting the state of the Roads in the different Districts, and the impossibility therefore of so apportioning the amount, as to render it most extensively beneficial in accomplishing the object in view, your Committee

have been compelled to adopt the principle of mileage as the most equitable mode of distributing the sums applicable to the purpose, at least so far as respects the leading thoroughfares within the Settled Districts. It is obvious that without obtaining the evidence of a large number of witnesses, and a protracted enquiry, which the approaching close of the Session would render impossible, there is no other principle which can be adopted to guide your Committee in fulfilling the object of their appointment". The Committee determined "the different classes of roads on which the amount should be expected...they should be divided into ...three...classes..1st.-The main leading thoroughfares within the Settled Districts. 2nd.-The leading thoroughfares within the Settled Districts, subordinate to the above. 3rd.-The leading thoroughfares beyond the Settled Districts." The several roads in each of the classes were named, and the Committee suggested a formula of £27 per mile on Class 1 roads and £7 per mile on Class 2 roads. For roads beyond the Settled Districts each Court of Petty Sessions would receive a fixed sum of £200 for the repair of the leading thoroughfares in their respective districts. Apportioning the available sum of money in this way would result in an expenditure of £20,987. The Report was adopted by the Council on 9 December 1851(2)/32. An alternative draft report prepared by James Martin (a member of the Committee) but rejected by the Committee is printed as an appendix.

## **1851(2)/21 COMMITTEE ON THE PROPOSED ASSAY OFFICE AND MINT**

*See also 1853/25*

*Background* Gold had been discovered in New South Wales in payable quantities in 1851. On 18 November 1851(2)/21 James Martin had unsuccessfully sought leave to introduce a *Bill to establish a public Assay and Refining Office, in New South Wales*. Instead, the Council resolved to establish a Committee "to report upon the expediency of establishing in Sydney an Assay Office and Mint".

*Members of the Committee* John Bayley Darvall; William Charles Wentworth; James Martin; Stuart Alexander Donaldson; John Lamb; The Colonial Secretary (Edward Deas Thomson); Charles Cowper.

*Witnesses examined by the Committee* John Nicholas Biet, merchant; William Fletcher, Inspector of the Union Bank of Australia; Edward Knox, merchant, and formerly Manager of the Commercial Bank of Sydney; Robert Archibald Alison Morehead; James John Falconer, Superintendent of the Bank of Australasia; Edward Porter; Henry Flavelle, qualified Assayer; Thomas Hale

*Report of the Committee* The Report and Minutes of Evidence were tabled on 16 December 1851(2)/36. The Committee stated that it had undertaken an "elaborate and very difficult enquiry" in which they had "obtained some valuable, though conflicting evidence". It concluded "That with reference to the establishment of an Assay Office...although the expense would, in all probability, not be large, such an institution would (of itself) be of very little, if any, value to the Colony...it is not desirable...at present...to undertake any legislation upon this matter...the natural requirements and operations of trade will, within a comparatively short period, regulate the supply and demand for coin...Your Committee, nevertheless, believe that if Her Majesty would be graciously please to establish a Mint, or a branch of the Royal Mint, in Australia, at which unassayed gold, or

gold in bars or ingots, might be exchanged for the current gold coin of the realm, on payment of an established charge, much good might be expected to result to the interests of all producers of raw materials in the Colony”.

## Session of 1852

### 1852/1            **COMMITTEE TO PREPARE AN ADDRESS IN REPLY TO THE GOVERNOR'S OPENING SPEECH**

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); William Charles Wentworth; Stuart Alexander Donaldson; Phillip Parker King; James William Bligh; Edward Cox; James Macarthur; The Solicitor General (William Montagu Manning).

### 1852/2            **STANDING ORDERS COMMITTEE**

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); Stuart Alexander Donaldson; The Speaker (Charles Nicholson); William Charles Wentworth; George Robert Nichols; James Macarthur; Edward Broadhurst; James Martin.

### 1852/2            **LIBRARY COMMITTEE**

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); William Charles Wentworth; Henry Watson Parker; James Macarthur; Stuart Alexander Donaldson; Phillip Parker King; George Robert Nichols; Terence Aubrey Murray.

### 1852/4            **COMMITTEE ON ELECTIONS AND QUALIFICATIONS**

*Background* See above 1851(2)/8. The 1852 Committee was appointed by the Speaker on 11 June 1852/4.

*Members of the Committee* George Allen; James William Bligh; James Chisholm; Phillip Parker King; John Lamb; James Macarthur; The Solicitor General (William Montagu Manning).

### 1852/3            **COMMITTEE ON IMMIGRATION**

*See also* 1832/14, 1835/1, 1837/2, 1838/21, 1839/9, 1840/17, 1841/1, 1841/25, 1842/2, 1843(2)/10, 1845/13, 1848/1, 1854/10, 1854/36, 1854/44, 1854/58, 1855/8

*Background* If the number of Select Committees devoted to immigration matters (*see above*) is taken as a guide, it is apparent that this was a continuing issue. By far the greatest demand was for male labourers, (identified by the 1852 Committee as “agricultural labourers, shepherds, herdsmen, miners and other males of the class of country labourers generally”); but there were calls for more female immigrants (“unmarried females, farm and domestic servants”) who could be relied on, by marriage or cohabitation, to play a

major part in population increase. In 1852 however a new problem arose. Gold had been discovered in New South Wales, and soon after in Victoria. Workers of all varieties left their employment in the hope of making a fortune on the gold fields. With a view to addressing these problems, on 10 June 1852/3, William Charles Wentworth moved for a Committee “to inquire into and report on the most speedy and effectual means of introducing into the Colony a supply of labor adequate to its requirements”. A Committee was appointed by ballot.

*Members of the Committee* William Charles Wentworth; Stuart Alexander Donaldson; James Macarthur; The Colonial Secretary (Edward Deas Thomson); William Dumaresq; The Auditor General (Francis Lewis Shaw Merewether); Augustus Morris.

*Witnesses examined by the Committee* William Kirchner, Consul for Prussia and Hamburg; John Nicholas Beit, merchant, German by birth; Otto Neuhaus, German by birth, Australian representative of a German firm; Augustus Dreutler, Consul for Bremen and Lubeck, south German by birth but of Swiss extraction; George Crawley, merchant in Sydney with connections with a mercantile and shipping firm in Liverpool; John Smith, merchant, of the Sydney firm of Smith Brothers, with connections with Liverpool; John Gilchrist, of the Sydney firm of Gilchrist and Alexander; Donald Macpherson, resident of Sydney but native of Scotland; Jacob Levi Montefiore; H H Browne, Immigration Agent for New South Wales; Arthur Savage, Health Officer of Port Jackson; Hermann Haege, of the firm of Haege and Prell, Hamburg; George Gammie, recently returned from Scotland and England; John Urie, recently arrived from Glasgow; William Meadows Brownrigg, former long-term resident of India; William Macarthur, agriculturalist; John Blackstone, squatter; Henry Hughes, squatter in the Northern District and non-elected Member of the Legislative Council; Matthew Henry Marsh, squatter in the New England District and Member of the Legislative Council; Gustave Radou, Captain of the Belgian vessel *Oceanie*, French by birth; John Dobie, squatter on the Clarence River and Member of the Legislative Council; Alexander Busby, sheep holder at Cassilis; William Wallis, contractor for the Railway; Henry William Holland, engineer, currently engaged on the Railway.

*Report of the Committee* There are two Progress Reports: The first (6 July 1852/17) was in response to the instruction of the Council on 29 June 1852/3 and amended on 29 June 1852/13 which required the Committee to take note of the following Resolutions of the Council – “1. That instead of applying the available balance at the credit of the Territorial Revenue to the payment of any portion of the Debentures at present outstanding, the Executive Government will consult the interest of the Colony by remitting the whole amount to England for the purpose of Immigration. 2. That the rate of exchange for Bank Bills on England, at 30 days sight, being now more favorable than it was when the Government remitted £100,000 in...February last for Immigration, an amount equal to the interest on the debentures for 15 months would actually be gained by the transaction. 3.. That until the Select Committee can report...the acquiescence of the Executive Government, in the above recommendation...will act, in some degree, as a relief to the distress which will continue to be felt by the employers of labor.” This Progress Report recommended that since “nothing short of a copious and immediate influx of population can mitigate this grievous and increasing evil [the shortage of labour]” The Council resolved on 9 July 1852/20 that the Governor be requested to act on the recommendation by “remitting the additional sum of £50,000 out of the available balance at the credit of the Territorial Revenue” and that the Emigration Commissioners “be urged to send out not less than five ships monthly”. The second Progress Report

was tabled on 1 October 1852/64, the Committee “not deeming it expedient to make a Final Report on the extensive matters for enquiry submitted to them, by reason of the uncertainty of the amount of voluntary Immigration which this Colony is likely to receive from the Mother Country”. The Committee drew attention to the cost to the Colony of assisted immigration which the Territorial Revenue was unable to support; and also that “the Immigrants, who are thus introduced at the public expense, are under no obligation to embark on their arrival in the ordinary industrial pursuits of the Colony...the sole ground upon which any expenditure of the Public Revenue...can be justified...they should not only be compelled, as a preliminary measure, to enter into such an engagement in England for a term of not less than two years, but they should also bind themselves to pay, by equal yearly instalments, a certain sum towards their passage money, which your Committee have fixed at £13, or £15, according to the calling of the Immigrant, payable partly in England, and partly here...this amount ought to be repaid by all statute adults, because they can earn wages, after their arrival here...no contributions should be required from the mothers of families, and children under the age [of 14]...the Emigrant, in England, should indent himself in England to the Immigration Agent in the Colony...[who] should have power to bind him by Indenture here to an competent employer.” The Committee also observed “that they had learnt that there are large numbers of boys and girls of good character, of thirteen years of age and upwards, in the Orphan Schools and other Eleemosynary establishments of the United Kingdom, towards whose Emigration to this Colony the Guardians and other Managers of such Establishments would contribute largely out of Parochial or other funds.” The Committee was strongly of the view that the existing Bounty system should be abolished since “the necessity...which has hitherto existed to hold out extraordinary inducements... to intending Emigrants...has entirely ceased...and all future Immigration therefore should...be at least for the most part of a self-supporting character.” On two matters which had been referred to the Committee, one, that of the introduction of Eurasian domestic servants from India (which had been sought by a number of landholders and others) was reluctantly sanctioned by the Committee on a limited basis as an experiment, half the expense to be met from the Territorial Revenue and repaid by their employers to the Government, deducted out of the first year’s wages. On the other matter which had been raised by Donaldson, the Committee recommended to the Council “that a sum of not less than £10,000 out of the amount now in transmission to England...might with great propriety be applied in furtherance of the object of the Family Colonization Loan Society...[which had been] established by Mrs Chisholm”. The Final Report of the Committee was tabled on 28 December 1852/85 and this with the two earlier Reports and the Minutes of Evidence were printed. “Upon the main question submitted to your Committee, viz,---how far it might be expedient, with a view to increase the amount of Emigration to this Colony, to give a nominal guarantee on the General Revenue to secure the payment of the passages of the various descriptions of Emigrants specified in the enumerated classes of Her Majesty’s Emigration Commissioners, who are now eligible as Bounty Immigrants, and of such other classes as your Committee might recommend in such enumeration,---your Committee have not been able to arrive at any final decision”. While there was currently “a large voluntary Immigration” –mostly to the Victorian Gold fields, “little doubt can exist that large numbers of Immigrants will soon be driven for support to the ordinary industrial pursuits of both Colonies [i.e., New South Wales and Victoria]...large additions to our laboring population may take place, by re-emigration from the one Colony to the other; so that by means of the direct emigration which is now going on to our shores from the United Kingdom and other Countries, and the casual and contingent supply which may be furnished by the neighbouring Colonies,---a guarantee for the payment of the passage

of further and large additions of the laboring classes, might become real instead of nominal, and thus entail embarrassment on the ordinary revenue of the Colony, and occasion the necessity for a public debt on the security of that revenue---without any corresponding advantage to the community. It might indeed happen that the masses introduced in this way by the expenditure of the ordinary revenue might meet with no sufficient employment, and greatly damage the character of the Colony as a field for Emigration...in the uncertainty which now prevails as to the probable state of our labor market even a few months hence, your Committee do not consider that they would be justified in making any final recommendations upon this important question to your Honorable House during the present Session. Another reason which has aided this determination is the *Assisted Immigrants Act* which has been passed this Session on the recommendation of your Committee..." [fter debate by the Council in Committee *An Act to regulate the Indenting of Assisted Emigrants and Others in the United Kingdom and elsewhere, and their employment in this Colony for a certain time after their arrival therein* was passed on 23 December 1852/84 and gained Royal Assent from the Governor on 28 December 1852/85 "The principal feature of this enactment is that it introduces for the first time a self-supporting system of Immigration by rendering it compulsory for all Immigrants from the United Kingdom, coming at the expense of the Colony and under the direction of Her Majesty's Emigration Commissioners, that a sum not exceeding £15 should be paid previously to their embarkation or with a short period after their arrival...by all fathers of families and all unmarried statute adults, whether male or female...[it] is a principle which will have a two-fold effect. It will enable respectable people of the laboring classes in the United Kingdom, who cannot emigrate by their own means, to emigrate at the expense of the Colony; and if they consist of families, under fourteen years of age, the father of the family only will be required to refund his passage money. It will, on the other hand, ensure a certain supply of labor to the ordinary industrial pursuits of the Colony, and will materially tend to correct the past, and to prevent future derangements of the labor market, by compelling the Immigrants thus introduced at the public expense to abstain from Gold digging during the period of their engagements".

*Background* By the 1850s much of the sandy land to the south east of the City of Sydney had been cleared of the native vegetation and drifting sand had become a serious problem. On 15 June 1852/5 Edward Flood proposed the appointment of a Committee “to inquire into and report as to the best means of preventing the injuries likely to arise to the Cities of Sydney and Newcastle, by the influx of Sand from the neighborhood of those Cities”.

*Members of the Committee* Edward Flood; George Barney (Chief Commissioner of Crown Lands); William Macarthur; Thomas Ware Smart; Henry Osborne; Arthur Tod Holroyd; James William Bligh; Phillip Parker King.

*Witnesses examined by the Committee* Thomas Livingstone Mitchell (Surveyor General); Charles Moore (Director of the Botanic Gardens); Simeon Henry Pearce (Commissioner of Crown Lands for the County of Cumberland); John Edward Newell Bull (Superintendent of the works at the Breakwater at Newcastle); William Macarthur.

*Report of the Committee* The Report and Minutes of Evidence were tabled on 17 September 1852/57 and were printed. The Committee said that did not need to describe in detail the nature of the problem, but commented “that portions of streets, fences, and even houses, are completely buried under the Drifts; that every gale is productive of damage; that the evil is increasing with a rapidity...to excite serious apprehension for considerable portions of either City, unless measures be soon adopted to stay its progress...the evil is to be attributed solely to the heedless and wanton destruction of the close undergrowth of native shrubs which originally covered the Sandy tracts...some Legislative enactment will become requisite to compel the owners or occupiers of Sandy tracts...which may be subject to drift over the adjoining land to takes measure to abate the evil, similar in effect to those which your Committee are about to submit...” The Committee did not think that encouraging the growth of native shrubs (which had been recommended by one witness) would be very useful. “inasmuch as this growth...must be perpetually liable to the same process of destruction which has already prevailed, and...must remain comparatively valueless and unproductive...They prefer the plan...of converting these barren desolated wastes into pasture...the expense...will be smaller...and the increased value to the land which will result, such as probably in a few years to cover the whole amount of outlay.” In general, the desired protection would be provided by planting couch grass (*Cynodon dactylon*). In some places “no addition to the soil will be absolutely requisite to ensure the early and rapid growth of the grass...but the more loose and shifting spots which consist of little beside pure Sand, it will be advisable to improve a slight coating of manure, sweepings of the streets or other refuse of a fertilizing character”. The remedy at Newcastle would be slightly different, involving some use of native shrubs. The Committee recommended that £250 each for Sydney and Newcastle be placed on the Estimates, that the Law Officers be consulted about any measures required to authorize the necessary enclosures, and “that as soon as convenient, the process of reclaiming the respective Sandy wastes...be undertaken according to the plans described...” The *Sand Hills Bill* was passed on 15 December 1852/79.

## 1852/6 COMMITTEE ON THE PROPOSED NEW CONSTITUTION

*See also* 1850/1, 1851(1)/4, 1852/32, 1853/6

*Background* On 16 June 1852/6 William Charles Wentworth proposed the appointment of a Committee “to prepare a Constitution for the Colony, pursuant to the powers conferred...by the 13 and 14 Vic., cap.59”. Wentworth had specified the membership of the Committee, but it was appointed by ballot.

*Members of the Committee* William Charles Wentworth; Stuart Alexander Donaldson; Charles Cowper; James Macarthur; Terence Aubrey Murray; John Lamb; James Martin; The Attorney General (John Hubert Plunkett); The Colonial Secretary (Edward Deas Thomson); Henry Grattan Douglas.

*Report of the Committee* The Committee reported on 17 September 1852/57; the Report together with three draft Bills proposed by the Committee was printed. On 1 October 1852/64 Wentworth introduced two of the draft Bills --*An Act for Granting a Civil List to Her Majesty*, with the Schedule as amended by the Governor General and *An Act to confer a Constitution on New South Wales*. Both were read a first time but when they came up for their second reading on 10 December 1852/77 Wentworth successfully moved “That the Orders of the Day for the second reading of these Bills be now discharged from the [Order] Paper”. He may have felt that the time was not after all right to proceed; he still had many other interests to pursue, ranging from the control of native dogs to immigration.

## 1852/8 COMMITTEE ON THE NEWCASTLE LIGHT HOUSE

*See also* 1832/58, 1842/25, 1849/26, 1854/14

*Background* On 18 June 1852/8 Edward Flood moved for the appointment of a Committee “to inquire into and report as to the best position and means for the erection of a Lighthouse at the entrance of the Harbour of Newcastle”.

*Members of the Committee* Edward Flood; George Barney (Chief Commissioner of Crown Lands); Phillip Parker King; John Lamb; George Robert Nichols; Charles Cowper; Alick Osborne; Henry Grattan Douglass; George Bowman.

*Witnesses examined by the Committee* Alexander Livingstone, Harbour Master at Newcastle; John Edward Newell Bull, Superintendent of the works at Newcastle Breakwater; Charles Edward Robinson, civil engineer “conversant with the erection of lighthouses”; Edmund Thomas Blacket, Colonial Architect. [Written evidence was available to the Committee from Merion Moriarty, Port Master.]

*Report of the Committee* The Report of the Committee was tabled on 31 August 1852/46 and was printed. The Committee had no doubt as to the need for a proper light at the entrance to Newcastle Harbour. The existing arrangement was an “insufficient and frequently useless substitute, which is merely a heap of ignited coal on the Signal Hill [stated in Evidence as burning four tons of coal a week, often with no flame, merely a glow from the fire—it did not mark the entrance to the Port, but merely indicated the general existence of the town]...[it] should be replaced by a substantial light on the

Nobby Rock, which, being situated at the extreme end of the Breakwater, and forming the south point of the entrance, is well adapted for the purpose of enabling ships, arriving off the Port at a late hour in the evening, to keep their position during the night; and even, if pressed by stress of weather and unable to keep a offing, to reach an anchorage". One witness with overseas experience of constructing lighthouses (C E Robinson, civil engineer) had recommended a cast and wrought iron structure which would cost about £4,000. The Colonial Architect (Blacket), however, recommended a similar structure in hardwood timber, treated with hot coal tar as a protection against the white ant (termite), estimated at £2,200; both proposals included the estimated cost of a Dioptric light (which would use half the amount of oil used by the more commonly used Catoptric light). The placing of the lighthouse on the Nobby's rock would not interfere with the operation of any artillery battery which might be placed either on Nobby's or on Signal Hill. The Committee was strongly in favour of Blacket's timber structure, and recommended that "a light of the second order on the Dioptric principle...be procured from England, with the least possible delay...that the necessary materials be immediately procured and placed in situ, in that no delay should take place in the completion of the building...that in the meantime the Nobby [rock] be cut down to the level of 65 feet above the high tide mark...[and] that in the mounting of the light, the Port Master be consulted as to certain suggestions which he is desirous of having adopted...[for] guiding [vessels]...in their inward course to a safe anchorage". These suggestions were printed with the Report. On 17 September 1852/57 the Report was adopted by the Council, and the Governor was requested to carry out its recommendations.

#### **1852/9 COMMITTEE ON THE WATER POLICE OFFICE**

*Background* On 22 June 1852/9 Arthur Tod Holroyd proposed the appointment of a Committee "to inquire into, and report upon, the present state, working, and efficiency of the Department of the Water Police, and all matters connected therewith".

*Members of the Committee* Arthur Tod Holroyd; George Robert Nichols; Phillip Parker King; Robert Campbell; James Martin; The Colonial Secretary (Edward Deas Thomson); Arthur Jeffreys; The Solicitor General (William Montagu Manning); Edward Flood; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* John O'Neil Brenan, Water Police Magistrate; Thomas John Powell, Inspector of Water Police; William Winter Birrell, formerly an Inspector of Water Police; John M'Lerie, Superintendent of Police for the City and District of Sydney; John Wilson Mullen, Clerk at the Water Police Office; Hutchinson Hothersell Browne, Immigration Agent and former Water Police Magistrate; Harry Naylor, Captain of the ship *Sir George Seymour*; Robert Towns, merchant and ship owner; John Scaife Willis, merchant; Joseph George Raphael, merchant and formerly a Licensed Shipping Agent; William Colburn Mayne, Inspector General of Police; John Campbell, merchant and the nearest Magistrate to the Water Police Office who in consequence was often asked to sit on the Bench as needed; Edmund Lockyer, Sergeant-at-Arms to the Legislative Council and a Magistrate; John Henderson, Captain of the ship *Neptune*; John Nicholas Beit, merchant; James Sheen Dowling, the Police Magistrate of Sydney; Merion Moriarty, Port Master of the Colony of New South Wales, and a Magistrate; John George Nathaniel Gibbes, Collector of Customs; John Alger, merchant and ship agent.

*Report of the Committee* The Report and Minutes of Evidence were tabled on 10 December 1852/77 and were printed. The Committee commented that “The discovery of gold...has seriously affected the Mercantile Marine. This may be attributed to several causes:--to the small force composing the Water Police, a force totally inadequate for the present emergency ;--to the inducements held out to seamen, by crimps and parties interested, to desert from the ships to which they belong; --to the delusive expectations which seamen entertain of rapidly acquiring Gold at the Mines;--to the high wages and large advances which seamen hope to obtain, when the vessels from which they have deserted have left the harbor; --to the difficulty of obtaining seamen, legally qualified to enter into arrangements, to supply the places of deserters. These, and many other subjects connected with the Shipping interest, have, together with a strict inquiry into the Water Police Department, been carefully investigated by your Committee”. The unavoided detention in port of ships whose crews have been denuded by desertion was a major problem for their captains, and their owners. The Committee proposed “increased facilities for ensuring the apprehension and punishment of deserters”. Reorganization and enlargement of the Water Police was recommended. The anomalous practice of hearing charges against Orphan Girls and Prisoners of the Crown by the Water Police Magistrate should cease. The large amount of time occupied in the registration of seamen and the issuing of their discharges and in other related matters was not a relevant part of the work of the Inspector of Water Police and should be discontinued. The Committee was persuaded “that the remedy for the evils which the Owners of ships now visiting the ports of the Australian Colonies, and especially those in which Gold has been obtained in such large quantities, are exposed, depends rather upon themselves than upon any measures which can be adopted either by the Local Government or the Local Legislature.” The Committee recommended for the consideration of shipowners measures intended to ensure “at all times an adequate number of seamen ready and willing to enter into engagements...All engagement of seamen should be merely for the run out...On arrival they should be entitled to their discharge or to re-engage at the rate of wages current at the time. (It should be noted however that the rate in England was at that time about £3 a year, while it Sydney it was at least £7-8 a year.) If there were a general determination on the part of Ship Owners in England elsewhere to adopt the course now recommended, little ground would remain for complaint on the score of the desertion... of their crews consequent on the present practice...[of] the engagement of seamen for the whole voyage.

## **1852/11 COMMITTEE ON THE LAND TITLES BILL**

*Background* On 10 June 1852/3 the Governor, by Message, had proposed *A Bill for quieting and simplifying Titles to Land*. Having been read a first time on 16 June 1852/6, it had its second reading on 24 June 1852/11 and a Committee was appointed to report on it.

*Members of the Committee* The Attorney General (John Hubert Plunkett); The Solicitor General (William Montagu Manning); John Bayley Darvall; James Martin; James William Bligh; George Robert Nichols; William Charles Wentworth.

*Report of the Committee* The ‘Summary of Proceedings on Bills introduced during the Session of 1852’ states “Lapsed in Select Committee”.

## 1852/14 COMMITTEE ON THE BANK OF NEW SOUTH WALES BILL

*See also* 1834/4, 1850/18

*Background* On 24 June 1852/11 William Charles Wentworth “presented a Petition from certain Directors and Shareholders of the Bank of New South Wales, praying leave to bring in a *Bill to amend the New South Wales Bank Act*” and on 25 June 1852/12 the Council approved the introduction of *A Bill to amend the Act Incorporating the Proprietors of the Bank of New South Wales*. On 30 June 1852/14 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* The Auditor General (Francis Lewis Shaw Merewether); George Robert Nichols; The Colonial Secretary (Edward Deas Thomson); John Rose Holden; Thomas Icely; William Dumaresq.

*Report of the Committee* On 13 July 1852/21 the *Bank of New South Wales Bill* was referred to the Committee on Currency and Banking, for which *see below* 1852/16. When the Bill came up for its second reading on 13 July 1852/21 it was again referred to the Currency and Banking Committee. That Committee reported on 1 October 1852/64 with a recommendation respecting the powers of Banks of Issue of bank notes, of which the Bank of New South Wales was one. For a discussion of these recommendations *see below* 1852/16. However, the Currency and Banking Committee produced a Supplementary Report on the *Bank of New South Wales Bill* on 10 December 1852/77. The Committee said that although in its main Report it had recommended the eventual establishment of a central bank with the sole right to issue bank notes, “The contemplated establishment by British Capitalists in this Colony, under a Royal Charter, of a new Joint Stock Bank, with powers of issue far more extensive than those enjoyed by the Bank of New South Wales, affords, however, your Committee think, some argument in favor of the Bill now under consideration; inasmuch as the rejection of that measure will place an old Colonial institution in a most disadvantageous position, as compared with the new British one about to be called into existence”. The Committee therefore saw no “objection to the passing of the Bill, provided that the liability of the shareholders be increased in proportion to the new powers proposed to be conceded, and that it not be considered as establishing any vested interest likely to check future Legislative interposition; but your Committee...would guard themselves against recommending the concession of a like, or indeed any, powers of issue to any new Banking Institution hereafter to be established”.

## 1852/16 COMMITTEE ON CURRENCY AND BANKING

*See also* 1843/4, 1850/11, 1850/18; 1852/14

*Background* On 2 July 1852/16 Terence Aubrey Murray moved “That a Select Committee...be appointed to inquire into and report on the state of the Currency and of Banking in this Colony”.

*Members of the Committee* Terence Aubrey Murray; John Bayley Darvall; James Martin; William Charles Wentworth; William Bradley; Richard Jones; Arthur Tod Holroyd.

*Report of the Committee* The Report was tabled on 1 October 1852/64. No witnesses had been called, since the “Committee have not thought it necessary because the principles of

Currency and Banking have been so repeatedly and so ably investigated by Select Committees of both Houses of [the British] Parliament...the experience of civilized mankind has established not only the propriety, but the necessity, of the State taking upon itself the sole regulation of the coin.” Bills and letters of credit “became the chief medium of exchange in commercial dealings. At a later period the obvious convenience of Paper Currency, and the supposed necessities of trade, gave rise to Banks of Issue, and Bank notes almost entirely took the place of coin...[in England] the principle was recognized and partially adopted of vesting the issue of the Paper Currency in the State. The complete adoption of that principle has been hitherto prevented by the supposed vested interests of existing institutions, and the peculiar connexion of the Bank of England with the Government of the country. Its full and final establishment cannot be long delayed.” [It might be noted that in 2010 three of the Scottish banks were still issuing their own bank notes.] The Committee pointed out the dangers of issuing bank notes when the issuing bank did not have sufficient capital to back them [known in the present day as ‘printing money’]. “So long as this power of expanding or contracting the Currency of a country is left to private speculation, so long will the prosperity of that country be constantly liable to the most violent and disastrous fluctuations. There must always be, in such a state of things, a probability of trade speculation being unduly stimulated at one period, and unduly depressed at another...In every well regulated community, the prosperity of its people should increase with the increase of its valuable products, for it is those products that really and truly constitute national wealth. We, however, in this Colony, have seen the curious phenomenon of rapidly augmenting wealth with rapidly diminishing prosperity...When the shock came, the credit of the community vanished, and with its disappearance a great part of the paper circulation vanished also. The consequences fell then, not on the speculators only, but on the entire community, and all because private Joint Stock Companies were allowed to regulate that which regulates the general prosperity...To prevent a recurrence of these evils, your Committee have arrived at the conclusion that a National Bank of Issue is absolutely necessary”. The Committee went on the comment on the activities of the four banks of issue in Sydney. These were the Bank of New South Wales and the Commercial Bank, both restricted in their issue to the amount of their paid up capital; and the “Bank of Australasia, incorporated by Royal Charter and with a paid up capital of £900,000, ..[with] the privilege of extending its issues to the amount of its deposits and three times that of its paid up capital”, and the Union Bank, wholly unrestricted. The paid up capital of the latter two was almost entirely held out of the Colony. “How far it might be practicable or necessary at once to interfere with the issues of existing Banking institutions, your Committee are not prepared to say” (although the Committee had no problems with remarking “that their [i.e., the Banks] present power of issuing notes is inconsistent with the public welfare”). The Committee then recommended “(1) That a national Bank of issue be established in Sydney, with a power to issue notes only in exchange for gold bullion or the gold coin of the realm. (2) That the public accounts be kept in such Bank, and all payments to the Government be made either in its notes or the coin of the realm. (3) That the notes of such bank should be made a legal tender everywhere except at the Bank. (4) That except as aforesaid the gold coin of the realm be declared the only legal tender beyond forty shillings. (5) That the establishment of any new Bank of issue be absolutely prohibited”. Finally, the Committee stated its opinion “that if the above recommendations be carried out our monetary circulation will be fixed on a basis so firm that none of the ordinary vicissitudes of commerce will ever be likely to disarrange it...

1852/17            **COMMITTEE ON THE DESTRUCTION OF THE NATIVE  
DOG**

*See also* 1845/5

*Background* There is little doubt that the stock losses from attacks of native dogs (dingoes) had been a problem from the earliest days. On 6 July 1852/17 after an unsuccessful attempt by Augustus Morris to have provision made in the Estimates for money for rewards “for the destruction of the Native Dog”, the Council, on the motion of George Robert Nichols, resolved to appoint a Committee “to inquire into and report upon the best means to be adopted for the destruction of the Native Dog”.

*Members of the Committee* William Macarthur; Matthew Henry Marsh; Henry Osborne; Charles Cowper; George McLeay; The Inspector General of Police (William Colburn Mayne); Augustus Morris; William Bradley; Arthur Jeffreys; George Robert Nichols.

*Report of the Committee* The brief Report of the Committee was tabled on 3 August 1852/32; no evidence had been taken, “as the losses occasioned by the inroads of these pests to the Stockholders, and consequently to the general interests of the Country, are too notorious to require proof”. The problem had been referred in 1845/9 to the Committee on Scab and Catarrh in Sheep which had been asked whether it was “considered desirable for the Government to adopt any system of reward, payable from the Revenue of the Colony, for the destruction of the native dog”. The Committee thought this was sensible but suggested that the Executive Government should determine the scale of rewards. The present Committee was of the same mind, but pointed that while “the destruction of these noxious animals would be a general benefit to the Colony, they are aware that certain Districts are more exposed to this nuisance than others; but that to be effectual any measures which might be adopted to remove the evil must be general, so as to be carried into effect simultaneously over the whole extent of Country occupied by Stock. They have therefore deemed it advisable in their recommendation for assistance from the Government to suggest that the sums to be appropriated for the purpose should be distributed in such a manner as to do justice to the various Districts, and offer sufficient inducement for those parts which may be more subject to the inroads of those animals to make greater exertion for their destruction”. The Committee therefore recommended (1) That the Governor be asked to place £1,000 on the Estimates for 1853 “to provide rewards for the destruction of the Wild Dog”; (2) That the Governor be asked to sanction of a further £1,000 in 1853 from the Territorial Revenue; and (3) “That the conditions upon which the sums so to be appropriated shall be distributed among the different Police Districts be, that a like sum be raised by private subscription”. A further recommendation was “that a Reward of Ten shillings be paid by the Clerk of the Bench on the order of any two Justices in Petty Sessions assembled, on the production of each unmutilated Scalp of a Wild Dog; such Scalp to be destroyed immediately after it has been paid for”.

## 1852/20 COMMITTEE ON THE CIRCULAR QUAY

*See also* 1833/25/ 1836/11, 1839/1, 1840/21, 1844/15, 1847/9

*Background* On 9 July 1852/20 on the motion of Charles Cowper the Council appointed a Committee “to resume the Inquiry commenced by the Select Committee appointed on 26 May 1847/9 ...to report upon the best means of completing without delay the Circular Quay, or extending round the head of the Cove; and also of prolonging Pitt-Street down to the Quay”.

*Members of the Committee* Charles Cowper; The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); The Auditor General (Francis Lewis Shaw Merewether); George Barney (Chief Commissioner of Crown Lands); Robert Campbell; Thomas Ware Smart; Edward Flood.

*Report of the Committee* A Progress Report was tabled on 21 December 1852/82. The Colonial Architect (Edmund Thomas Blacket) was informally consulted by the Committee. Blacket said that “in the present state of the labor market, it would be impossible to prepare any estimate which could be relied on, and that if the Council were willing to vote the funds, there was hardly any hope of sufficient labor being available, even at extravagant rates of wages”. The Committee was “glad to find that the Government had settled the claims for compensation with all the proprietors in the immediate neighbourhood of the Circular Quay, with one or two exceptions” which were expected to be settled before the next sitting of the Council. The Committee also recommended “that the Government should, as speedily as possible, come to a settlement with those proprietors also whose rights will be interfered with by the intended prolongation of Pitt-Street”. The Committee recommended that “upon the first favorable turn in the labor market” the work should be resumed.

## 1852/20 COMMITTEE ON THE COCKATOO ISLAND DRY DOCK

*See also* 1847/18, 1849/15

*Background* As early as 1847/18 Governor Gipps had proposed, in a Despatch to the Secretary of State for the Colonies, the construction of a Dry Dock on Cockatoo Island in Sydney Harbour. The approval for this was conveyed to the Council on 1 June 1847/12 and the Council, well aware of the importance of the project, approved it on 13 September. The progress of the work, performed by convicts, was painfully slow. On 9 July 1852/20, on the motion of Charles Cowper, the Council appointed a Committee “to inquire into the progress made in the construction of the Dry Dock at Cockatoo Island, and to report whether there be any means at the disposal of the Local Government, not hitherto made use of, by which its completion can be hastened; [and] That it be a special Instruction to the Committee to inquire into the working of the Penal system adopted at Cockatoo Island (which was a place of secondary punishment for convicts who offended while still serving their first sentence), and to report whether any improvements can be introduced to secure its greater efficiency”.

*Members of the Committee* Charles Cowper; George M'Leay; The Attorney General (John Hubert Plunkett); John Lamb; Phillip Parker King; Terence Aubrey Murray; William

Macarthur; Arthur Jeffreys; William Colburn Mayne (Inspector General of Police); George Barney (Chief Commissioner of Crown Lands).

*Witnesses examined by the Committee* Gother Kerr Mann, Assistant Civil Engineer at Cockatoo Island Dry Dock; John M'Lerie, Visiting Magistrate of Cockatoo Island; Charles Ormsby, Civil Superintendent of Cockatoo Island; Alexander George Dumas, Secretary to the Classification Board of Cockatoo Island; John Edward Newel Bull, Superintendent of Convicts at the Newcastle Breakwater; William Parfitt, Commander of the Peninsular and Oriental Steam Navigation Company's Steam Ship *Formosa*.

*Report of the Committee* The Report and Minutes of Evidence were tabled on 8 December 1852/75. It was a fairly damning document. The Committee had evidence in particular from Captain Parfitt whose Peninsular and Orient steamship had needed minor but essential repairs, to the extent of about £20 if the ship had been able to be docked, but which cost in the region of £500 in a makeshift operation which put the ship at severe risk. Parfitt pointed out that any shipping company competing for the mail franchise would expect docking and repair facilities at the terminus port on the voyage. The significance was not lost on the Committee. It noted "Of the progress which was been made [sic] in constructing the Dry Dock, since its first commencement in the year 1847, and as regards the prospect of its even partial completion, your Committee regret that they cannot report satisfactorily. In November, 1851, Mr Mann, the Engineer, expressed his opinion to the Government, that the work would be completed in two years; but when requested by your Committee to state within what period the Dock would be ready to receive a vessel, his reply was 'that he was unable to answer the question; it would be but a guess to do so' ". Mann tried to explain the magnitude of the problem, and when asked for his ideas about how the work could be speeded up, he suggested two alternative plans. The first was to employ free labor for a year, which he estimated would cost £52,773. If free labor to that extent could be provided in addition to the convicts, he "believed that the Dry Dock could be made fit to receive a Steamer within fourteen months... This statement of the large expenditure now considered necessary for carrying on the works, as compared with the original Estimates, created very considerable surprise in the minds of your Committee. Mr Ormsby, the Superintendent of Convicts, believed that unless some additional help was afforded, the work would take five years. The Committee noted that "Mr Mann acts simply as the Engineer of the Dry Dock, and leaves it to his Overseers mainly to control the men. Mr Ormsby, as Superintendent, exercises some general supervision; but, as far as your Committee could ascertain, does not possess those qualifications which would fit him for the command of so large and important an Establishment." The Committee also saw that "the appointment of a Visiting Justice...calculated to effect any real check upon the conduct of the Officers on the Island [was producing no effect]". It noted "the employment of the notorious convict...Ainsworth...in the office of the Superintendent of the Island, after his repeated convictions...Your Committee draw attention to these facts because they prove that here is not that vigilant attention to the Island, as a penal settlement, which is absolutely necessary to maintain its character as a place of punishment...Considering the backward state of the Dry Dock, and the necessity for making better arrangements respecting the Convicts sentenced periodically by the Colonial Courts, the following suggestions have occurred to your Committee as worthy the attention of the Council and the Government: (1) That a gentleman of active habits, a strict disciplinarian, of high character and of great experience, should be appointed to take charge of the Establishment, in the capacity of Civil Superintendent or Commandant, to whom should be entrusted the entire management of the Convicts, subject to periodical visits by one of

the Judges of the Supreme Court, or the Chairman of Quarter Sessions; and that the office of Visiting Justice should be abolished. (2) That a ship, capable of accommodating about four hundred Convicts, should be purchased by the Government, and fitted up for their reception; to be moored off the Island. (3) That proper assistance should be given to the Civil Superintendent, by the appointment of well qualified Overseers of good character, to carry out a vigorous system of discipline, and to see that the Convicts do a proper quantity of work. (4) That the system of gratuity to deserving Convicts, by which alone money can be obtained by them, be adopted, and that the plaiting of hats be strictly prohibited [many convicts had made some money by making and selling 'Cabbage Tree Hats' both in their own time and when they should have been working]; but that a portion of the money gratuity be laid out in the purchase of articles of food, to be consumed in addition to their ration. (5) That free labor to as large extent as possible be employed, in order to obtain the greatest amount of work from the Convicts,--and that as many free families as can be accommodated on the Island be allowed to reside there, in the buildings to be vacated by the Convicts.

*[The following historical notes are from R G Parker, Cockatoo Island, Nelson, Sydney, 1977; John C Jeremy, Cockatoo Island: Sydney's historic dockyard, UNSW Press, Sydney, 1998; and the website of the Sydney Harbour Federation Trust.]*

[Construction of the first dry dock at the Island, named the Fitzroy Dock began in 1851 and was finished in 1857. The larger Sutherland Dock was completed in 1890. Up to 1913 various small ships were constructed, including two large dredges. In 1913 the Commonwealth Government took Cockatoo Island over from the New South Wales Government as a defence establishment. The first warship built there was the cruiser *Brisbane*, launched in 1915. After heavy operating losses after World War I, the whole operation was leased for 21 years to a newly formed Cockatoo Docks and Engineering Company. During World War II a number of naval ships were built, including three destroyers, and fifty corvettes. During the war the Dockyard repaired or overhauled 350 naval vessels and 395 merchant ships. The operation of Cockatoo Island as a dockyard ceased at the end of 1991, and in 1991 and 1992 most of the equipment, machine tools, cranes, and buildings were sold. The Island was opened to the public in 2005 under the administration of the Sydney Harbour Federation Trust, and was Heritage listed in 2007.]

## **1852/21 COMMITTEE ON THE SCOTCH THISTLE AND BATHURST BURR**

*Background* On 13 July 1852/21 Augustus Morris moved "That a Select Committee be appointed to Inquire into the facts connected with the introduction of the Scotch Thistle and Bathurst Burr into this Colony; the progress these weeds have made in the different districts; the present evil accruing to the Colony from their existence; and what means (if any), should be had recourse to for their extirpation".

*Members of the Committee* William Macarthur; Augustus Morris; George M'Leay; Thomas Icelly; Arthur Tod Holroyd; William Bradley; Edward Cox; Edward Flood; Henry Hughes; James Chisholm.

*Witnesses examined by the Committee* William Henry Suttor, landholder of Bathurst; Henry O'Brien; Christopher Rolleston, Commissioner of Crown Lands for the District of Darling Downs; Robert Massie, Commissioner of Crown Lands for the New England District; John Henry Durbin, Commissioner of Crown Lands for the District of Liverpool; William Bray, of the wool buying firm of Prince, Bray and Ogg in Sydney; Charles Campbell, of Queanbeyan; Thomas Hood; Thomas Icelly. [In addition, a

circular letter was sent to all Benches of Magistrates, and to “different gentlemen likely to be able to afford information”.]

*Report of the Committee* The Committee in its Report noted both the extent of the two weeds and the rapidity of their spread, and “the great amount of injury occasioned by both plants, chiefly, however by the ‘Bathurst Burr’ over those tracts of pasture in which it has thoroughly established itself.” In a time when labour was cheap and plentiful, both weeds could be successfully kept in control, but that was not the case at present. It was the opinion of the Committee that “any Legislative measure which may be adopted, with a view to their destruction ought to have the effect of casting the expense upon the proprietors or occupants of the lands which are to be cleared of them; and that no expectation of assistance from the public funds ought to be held out.” The Committee was also strongly critical of “the apathy, and the utter want of energy and foresight” shown “by the proprietors of land and stock in those neighbourhoods in which the ‘Bathurst Burr’ first began to spread itself. The nature of the plant and its injurious effects upon the pastures and to the fleeces of the sheep must have been evident, at an early period, to the most cursory observers. The application of a trifling amount of labor during the first few years...at trifling cost, would have ensured its extinction...but it appears ...to have been allowed to flourish...without a thought as to its ultimate effects”. The Committee believed “that their destruction must, of necessity, be enforced by law”, and that in the next Session of the Council, when labour might be cheaper and more plentiful the question might be further investigated.

## **1852/22 COMMITTEE ON THE SYDNEY CORPORATION BILL**

*See also* 1842/8, 1845/31, 1849/4

*Background* The first Act to incorporate the City of Sydney was passed on 12 July 1842/18. On 12 June 1846/19 the Governor assented to *An Act to enable the Trustees of the Savings Banks of New South Wales and Port Phillip respectively, to lend money to the Corporation of Sydney and the Corporation of Melbourne*. [For the Committee which considered the Bill *see above* 1845/31] The money lent to the Corporation of Sydney had been intended for much needed capital works, but there had been continual complaints about the Corporation’s apparent inability to meet the requirements of the inhabitants of the City. The Select Committee of 1849/4 had recommended the abolition of the Corporation and the appointment of Commissioners, but it was decided that the Corporation should be given another chance to reform itself. However, on 14 July 1852/22, on the motion of Charles Cowper, the Council appointed a Committee “to inquire and report what amendments to the Acts relating to the Corporation [of Sydney] now in force are necessary to obtain the efficient working of the Corporation, or whether it be considered more desirable to abolish it”.

*Members of the Committee* Charles Cowper; The Attorney General (John Hubert Plunkett); Edward Flood; Thomas Ware Smart; George Allen; James Martin; William Charles Wentworth; George Robert Nichols; Robert Campbell; John Lamb.

*Witnesses examined by the Committee* William Thurlow, Mayor of Sydney; Elias Carpenter Weekes, a City Councillor; John Rae, Town Clerk; William Moffitt, a member of the City Council; Edward Lord, City Treasurer; William Webb, resident of Pyrmont; Martin Guest, property owner in Sydney; William R Piddington, resident of Sydney and a former

member of the City Council; Samuel Hebblewhite, resident of Sydney; George Thornton, member of the City Council; Thomas Broughton, former member of the City Council and former Mayor; Ralph Mayer Robey, former City Councillor; Henry Fisher, former Alderman; Henry Hollinshed, resident of Sydney and former member of the City Corporation; Thomas Hyndes, former City Councillor; Edward John Hawkesley, resident of Sydney.

*Report of the Committee* The Committee reported on 9 December 1852/76 and the Report and Evidence were printed. The Committee noted that its Report, although delayed for other reasons, happened to be completed after the 1852 elections for the City Corporation (or Council—both terms were in use at the time): as a result, it seemed apparent “that the Citizens...[had no] deeper interest in the continuation of the Corporation that they did in the year 1849, when an inquiry was instituted into its working, and that very little, if any, improvement has taken place in its mode of conducting public business...Your Committee...had very great difficulty in agreeing to any recommendations which would not in effect lead to the abolition of the Corporation altogether...they have at length adopted certain resolutions which, while calculated to make a thorough change in the constitution of the body, will not cause its total abolition. If however...it should, after a fair trial, fail of working satisfactorily, your Committee do not see that there will be any other alternative but to substitute in its room a body of Commissioners to be appointed solely by the Government.” The Committee therefore recommended that the Corporation Act should be repealed, and that “in lieu of the present body the Municipal Corporation of the City of Sydney shall consist of six Aldermen, who shall be empowered to elect one of their number to be the Mayor of the City...[who would] be a Justice of the Peace ex officio...such Aldermen shall be elected by voters, having the following qualifications...Every person rated as the occupier of any house, warehouse, counting-house, shop, or other building...of the annual value of Ten pounds, and under Fifty pounds—One Vote...of the annual value of Fifty pounds and under One Hundred pounds—Two Votes...of the annual value of One Hundred pounds and under Two Hundred pounds—Three Votes...of the annual value of Two Hundred pounds and upwards—Four Votes...each Alderman...shall be entitled to vote at the Election of an Alderman...[and have real property to the value of £500 or rateable property of an annual value of not less that £50]...a salary of £600 per annum be given to the Mayor; and that £500 be divided between the remaining five Aldermen...the first six Aldermen be appointed by the Government, of whom two shall go out annually, to be replaced by others to be elected by the Citizens...considering the lamentable state of inefficiency to which the City Corporation is now reduced...to a paid Board of three Commissioners, to be appointed by the Crown, and to impose by the direct authority of this House a fixed rate of assessment for Municipal purposes”. On 21 December 1852/82 the Governor General, by Message, sent a Bill “to dissolve the Corporation of the City of Sydney and to appoint permanent Commissioners in lieu thereof, and for other purposes”. The Bill was read a first time on 22 December 1852/83; when it came up for its second reading on 23 December 1852/84 on the motion of the Colonial Secretary, the motion was withdrawn after debate, and “the Order of the Day discharged from the Paper”. The question reappeared in the 1853 Session when on the motion of Charles Cowper (who had chaired the 1852 Select Committee) the Council resolved on 20 September 1853/65 to request the Governor General to direct the necessary steps to be taken to for the immediate repeal of the Sydney Corporation Act , and for “provision made, by enactment, for a limited period only, for the performance of the duties now devolving upon the City Council, and for the drainage and cleansing of and the supply of water to the City, by a Board of three paid Commissioners, to be appointed by the Governor, and

subject to removal at any time upon Address from this Council". On the following day, 21 September 1853/66, the Governor General transmitted by Message "A Bill to dissolve the Corporation of the City of Sydney, and for the appointment of Commissioners in lieu thereof for a limited period. The Bill was read first time on 23 September 1853/68 and had its second reading on 5 October 1853/74 when it was considered by the Council in Committee, and again on 7 October 1853/75; it had its third reading on 11 October 1853/76 when it was *passed*. By Message on the same day the Governor General recommended that the salary of the Chief Commissioner be £1,000 per annum, and for the other two Commissioners £800 per annum. The Bill was *assented to* on 6 December 1853/77. The Commissioners remained in office until the City Council was reinstated in 1856 as one of the first Acts of the new bicameral legislature.

## 1852/25            **COMMITTEE ON THE CATARACT AND NEPEAN BRIDGES BILL**

*See also* 1851(2)/21

*Background* On 18 November 1851(2)/21 John Rose Holden had introduced *A Bill to enable William Hilton Hovell, Esquire, to erect a Bridge over the Cataract River, and a Bridge over the Nepean River*. The Bill was referred to a Committee for consideration and report, and the Council received the Report on 26 November 1851(2)/21. Hovell did not proceed with construction, however, finding it to be "an undertaking of magnitude", better done by a company than by a single entrepreneur. On 16 July 1852/24 John Rose Holden introduced *A Bill to enable the Shareholders of a Company, called the Cataract and Nepean Bridges Company, to sue and be sued in the name of their Chairman for the time being, and to limit the liability of the Shareholders in such Company to the amount of the shares they respectively hold therein; and to extend the period of time allowed for the completion of the said Bridges to the term of seven years, and for other purposes herein mentioned*. On 20 July 1852/25 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* John Rose Holden; William Bradley; Alick Osborne; Terence Aubrey Murray; Henry Osborne; Edward Flood; Robert Fitzgerald.

*Witness examined by the Committee* William Hilton Hovell.

*Report of the Committee* The Committee in its brief examination of Hovell found that a company had already been formed, but required legislative approval for it to sue and be sued in the name of its Chairman. Hovell also explained that the original approval had been for the bridges to be built within three years, but that the current shortage of labor suggested that a time frame of six or seven years would now be required. The Report of the Committee was tabled on 8 September 1852/51 and was printed. The Committee found that the Bill met requirements and should be allowed to proceed. The Bill had its second reading on 21 September 1852/58 when it was considered by the Council in Committee, and was *passed* on 28 September 1852/61. [For a comment on the likelihood that neither bridge was actually built, or if built did not survive *see above* 1851(2)/21.]

**1852/28 COMMITTEE ON THE SYDNEY MECHANICS' SCHOOL OF ARTS BILL**

*Background* On 16 July 1852/24 the Solicitor General (William Montagu Manning) introduced *A Bill to enable the President, Senior Vice President, and Treasurer of the Sydney Mechanics' School of Arts, to sell the land belonging to the said institution in George-street South, Sydney, and to purchase other land and erect new Buildings in connection with the objects of the said Society, in a more convenient situation, and for other purposes therein contained.* The Bill was read a first time that day, and a second time on 23 July 1852/28 when it was referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; Arthur Tod Holroyd; Thomas Ware Smart; The Auditor General (Francis Lewis Shaw Merewether); George Allen.

*Witness examined by the Committee* William George Pennington, Treasurer to the Mechanics' School of Arts.

*Report of the Committee* The Committee reported on 10 December 1852/77: it found no reason for any amendment to the Bill. It was read a second time on 14 December 1852/78 when the Council considered it in Committee. The Bill was read a third time on 15 December 1852/79 and was *passed*.

**1852/29 COMMITTEE ON THE DESTITUTE CHILDREN'S BILL**

*See also* 1853/3, 1854/3, 1854/94

*Background* On 29 June 1852/13 James Martin sought leave to bring in *A Bill for the relief of Destitute Children and the prevention of Juvenile Delinquency.* On 27 July 1852/29 when the Bill came up for its second reading it was referred to a Committee consisting of James Martin; The Auditor General (Francis Lewis Shaw Merewether); Charles Cowper; Augustus Morris; John Dobie; William Henry Suttor; George Macleay; Phillip Parker King; Henry Grattan Douglas; George Allen.

*Report of the Committee* The Committee did not report although it had heard evidence from a number of witnesses in September of that year; the Minutes of Evidence may have been printed at the time but if so were not presented to the Council. The 'Summary of Proceedings on Bills introduced during the Session of 1852' records "Lapsed in Committee". A new Committee was appointed on 17 May 1853/3. The Evidence taken by the 1852 Committee was made available to the 1853 Committee which heard further Evidence but also did not report to the Council. The Committee was reappointed on 8 June 1854/3 and presented a Progress Report to the Council on 1 December 1854/94. This Progress Report was printed together with the Minutes of the Evidence taken in 1852 and 1853. For these later Committees *see below*.

**1852/32 COMMITTEE ON THE WORKING OF THE CUSTOMS DEPARTMENT**

*Background* On 29 June 1852/13 the Governor, by Message, had proposed *A Bill for granting Duties of Customs.* After considerable debate in the Council in Committee the Bill

was *passed* on 4 August 1852/33. On the previous day 3 August 1852/32 Charles Cowper, perhaps anticipating the passage of the Bill, had moved the appointment of a Committee “to inquire into the working of the Customs Department, and to report what alterations, if any, either as regards its numerical strength, annual cost, or otherwise, appear to be necessary to secure its greater efficiency”. This was also probably prompted by a Despatch (No. 15 of 12 February 1852) from Earl Grey, the Secretary of State for the Colonies, informing Governor Fitz Roy of the impending transfer of the control and management of the Customs Establishment from Imperial control to the Colonial Government. Further instructions from the Imperial Commissioners of Customs to the Colonial Collector of Customs, John George Nathaniel Gibbes (an ex officio member of the Legislative Council) were not tabled in the Council until 2 December 1852/72.

*Members of the Committee* Charles Cowper; Stuart Alexander Donaldson; Thomas Icely; Arthur Jeffreys; Phillip Parker King; John Lamb; The Auditor General (Francis Lewis Shaw Merewether); James Brindley Bettington; Thomas Ware Smart.

*Report of the Committee* Due to the late arrival of the instructions from London (*see above* under ‘Background’), and an accident to the Collector of Customs (Gibbes) which prevented him from affording further evidence to the Committee, the Committee was able only to table a Progress Report, before the impending prorogation of the Council at the end of the year: this Progress Report naturally recommended that the incoming 1853 Council should resume the investigation. The Committee does not appear to have been formally reappointed in the 1853 Session. However, documents tabled on 29 November 1854/92 and subsequently printed show that the transfer from Imperial control did take place on the instruction of Governor General Fitz Roy on 1 October 1852. The Governor informed the Colonial Office by Despatch No. 94 of 27 July 1853 of the arrangement which had been made for the “transfer to the Colonial Government of the Customs Establishment in New South Wales and for the audit of the accounts”; this was acknowledged by Earl Grey on 21 August 1854 (dispatch No. 38), stating that “the Lords Commissioners of the Treasury...have intimated their approval of the steps which have been taken by you for effecting this object”. It is perhaps not unreasonable to guess that the members of the Legislative Council who had been concerned that there might be problems with the running of the Customs Department once it had shed its Imperial control were able to observe that their fears were unfounded. The Collector of Customs (Gibbes) remained in office until May 1855. In his evidence to the Select Committee in December 1852 Gibbes had referred to having insufficient staff to meet the public demand for services; this may have been resolved by the appointment of additional officers to the new Department, especially in relation to the audit of its accounts.

**1852/32 COMMITTEE TO PREPARE AN ANSWER TO EARL GREY’S  
DESPATCH ON THE COUNCIL’S ‘REMONSTRANCE’**

*See also* 1851(1)/4, 1852/6

*Background* On 8 April 1851(1)/4 the Council had approved a ‘Declaration or Remonstrance’; it was deeply concerned that the Imperial Act of Parliament, 13 and 14 Victoria, cap. 59, did nothing to address the grievances relating to the administration of the Waste Lands of the Colony and the expenditure of the revenue derived from the sale of those lands, and a number of other issues relating to the autonomy of New South Wales. This ‘Remonstrance’ had been sent to the Secretary of State for the Colonies, and

Earl Grey's response to it in his Despatch no. 7 of 23 January 1852 had been sent on to the Council by the Governor General on 13 July 1852 (Message 18). The response from London found no favour with the Council, and on the motion of William Charles Wentworth, on 3 August 1852/32 a Committee was appointed to prepare an answer to Grey.

*Members of the Committee* William Charles Wentworth; John Lamb; Stuart Alexander Donaldson; Charles Cowper; James Martin; James Macarthur; Phillip Parker King; George Macleay; Terence Aubrey Murray; William Bradley.

*Report of the Committee* The Committee reported on 6 August 1852/35 with a draft of a Reply to Earl Grey, which was printed in full in the record of Proceedings for 10 August 1852/36. It consisted, to a large extent, of outright denial of many of the counter issues which had been raised by Grey. The Report is too long and detailed to allow it to be summarized here, but the general tenor of the Report is apparent from its final paragraph: "In conclusion, fully agreeing with Earl Grey, 'that the interests of the Colony and of the Empire, rightly considered', are the same,--we cannot understand why we should not be treated as an integral part of that Empire, and enjoy the same power of self-government which is possessed by our fellow countrymen at Home. To be contented with anything less would be alike derogatory to ourselves and unjust to our children. It would be to bequeath to them a smaller measure of freedom than our fathers transmitted to us. This were [sic] a meanness to which we cannot submit, and a wrong which we will never perpetrate. Nor will we be deterred from the assertion of our undoubted rights, by the flattery, the imputations, or the obstinacy of any Minister, but will continue our efforts until all we contended for,--all that is necessary to place us on a perfect equality with our fellow subjects at Home is conceded to us and to our posterity once and for ever." The Council resolved to request the Governor General to transmit the Report to the Secretary of State for the Colonies, and requested the Speaker to send copies "to the various Noblemen and Gentlemen to whom was forwarded the Declaration and Remonstrance passed by the late Legislative Council on the 1 May 1851".

### **1852/33 COMMITTEE ON THE STEAM NAVIGATION BILL**

*Background* On 24 June 1852/11, the Governor General by Message no. 10, transmitted to the Council the draft of *A Bill to consolidate and amend the laws relating to Steam Navigation, and to the Boats and Lights to be carried, and the Signals to be made by Sea going vessels*. The Bill had its first reading on 8 July 1852/19 and its second reading on 22 July 1852/27 when it was resolved that it be considered by Committee of the Whole House on 4 August 1852/33, but it was, on the motion of Arthur Tod Holroyd, referred to a Select Committee.

*Members of the Committee* Arthur Tod Holroyd; Phillip Parker King; The Collector of Customs (John George Nathaniel Gibbes); The Colonial Secretary (Edward Deas Thomson); The Solicitor General (William Montagu Manning); Charles Cowper; Stuart Alexander Donaldson; Thomas Ware Smart; Richard Jones; Matthew Henry Marsh.

*Witnesses examined by the Committee* Sir Alfred Stephen, Chief Justice; Henry Hughes, member of the Legislative Council; Charles David Thomas, engineer, and surveyor of steam machinery; James Paterson, Manager of the Australasian Steam Navigation

Company; Peter Nicol Russell, engineer; Thomas Taylor, Manager of the Parramatta Steam Boat Company; Charles Payne, captain of the *Rose* steamer; John Struth, engineer; Hutchinson Hothersell Browne, Immigration Agent, and member of the Steam Navigation Board; Thomas Iceton, solicitor.

*Report of the Committee* The Committee reported on 15 December 1852/79 that it had examined “such witnesses as they considered likely to afford the useful information on the subject of their inquiry, and they have made such alterations and amendments to the Bill as they have considered necessary or expedient...Your Committee recommend that until proper Estimates can be submitted to the Legislative Council, making provision for the Salaries of the Officers and other expenses necessary...power should be given to...the Governor General to make the necessary appropriation...from the General Revenue, which...will receive credit from the fees payable...”

### **1852/34 COMMITTEE ON MARRIAGE LAWS**

*See also* 1853/2

*Background* On 5 August 1852/34 the Attorney General (John Hubert Plunkett) moved the appointment of a Committee “to Inquire into and Report upon the state of the Marriage Laws in the Colony of New South Wales, and to propose such alteration and amendment as they may find necessary”.

*Members of the Committee* The Attorney General (John Hubert Plunkett); Charles Cowper; Augustus Morris; George Allen; James Martin; The Solicitor General (William Montagu Manning); George Bowman; John Bayley Darvall; John Richardson.

*Witnesses examined by the Committee* *The Very Reverend* John M’Enroe, Roman Catholic Archdeacon of Sydney; *Revd* Barzillai Quaipe, ordained Minister of the [Presbyterian] Synod of New South Wales; *Revd* Alexander Salmon, ordained Minister of the Free Church of Scotland; *Revd* William Binnington Boyce, Senior Minister and General Superintendent of the Wesleyan Church in Australia and Van Diemen’s Land; *Revd* Robert Ross, Independent or Congregationalist Minister; *Revd* Dean Lynch, Roman Catholic priest; Alfred Elyard, Chief Clerk of the Supreme Court, in charge of the Registry Office; Henry Kerrison James, Secretary and Deputy Registrar to the Lord Bishop of Sydney; *Sir* Alfred Stephen, Chief Justice; *Revd* John M’Garvie, Minister of the Established Church of Scotland.

*Report of the Committee* On 28 December 1852/85 the Committee tabled a Progress Report which said that “Your committee have examined several witnesses with regard to the very important and difficult subject committed to their investigation, but are unable...to conclude their inquiries and prepare a complete report in the present Session...the Evidence already taken should be printed...and your Committee should be re-appointed in order that they pursue their inquiries and bring up a complete Report in an early part of the next Session.” A new Committee was appointed on 11 May 1853/2 and reported on 18 August 1853/49, for which *see below*.

1852/42

## COMMITTEE ON THE CAMPBELL'S WILL BILL

*Background* On 6 August 1852/35 Arthur Tod Holroyd introduced *A Bill to enable the Trustees and Executors under the Will of the late Robert Campbell, Esquire, of Bligh-street in the City of Sydney, and of Hopewell, near the said City, to purchase the Title and Interest of Mrs Margaret Campbell, Widow of the said deceased, to and in certain Lands and Premises in Bligh-street, and to pay the price thereof out of the Testator's residuary assets, or to grant an annuity for the same, or to sell or lease the same and certain other lands, and to make an allowance for the maintenance and education of certain of the devisees mentioned in the said Will, and for other purposes.* The Bill had its first reading on that day; on 20 August 1852/42 it was referred to a Committee for consideration and report.

*Members of the Committee* The Solicitor-General (William Montagu Manning); Edward Broadhurst; George Robert Nichols; Matthew Henry Marsh; Thomas Ware Smart; Arthur Jeffreys; William Macarthur; James William Bligh.

*Witnesses examined by the Committee* Piddocke Arthur Tompson, solicitor and one of the Trustees and Executors of the Will; William Meadows Brownrigg, surveyor; William Gibbes, clerk in the Supreme Court; Gilbert Wright, solicitor to the widow of the late Robert Campbell.

*Report of the Committee* Campbell's Will and the proposed Bill are printed in the Minutes of Evidence. The Committee reported on 17 September 1852/57 that "the Preamble as amended of the said [Campbell's Will] Bill has been proved to their satisfaction, and that they have agreed to the several clauses of the said Bill, as so settled before them". The Bill had its second reading on 7 December 1852/74, was further examined by the Council sitting as a Committee of the Whole and was adopted; it was read a third time on 10 December 1852/77 and was *passed*. The effect of the legislation was that the whole of the Bligh-street property of which about seven eighths was owned by Mrs Campbell by virtue of settlements made, the boundaries being impossible to ascertain, and that similarly the Hopewell property, were available for sale or lease to provide funds which the Executors could apply for the benefit of the various devisees under the Will.

1852/44

## COMMITTEE ON THE PETITION OF WILLIAM HENRY MOORE

*Background* On 25 August 1852/44 George Robert Nichols "presented a Petition from William Henry Moore, of the City of Sydney, Gentleman, representing the circumstances under which he was induced to immigrate to this Colony, and praying relief". On 7 September 1852/50 a Committee was appointed "to inquire into the allegations contained in the Petition...and to report thereon to the House".

*Members of the Committee* George Robert Nichols; William Charles Wentworth; James Martin; The Colonial Treasurer (Campbell Drummond Riddell); George Allen; Augustus Morris.

*Report of the Committee* On 14 September 1852/54 Nichols asked for "copies [to be tabled] of all correspondence now in the Office of the Colonial Secretary, relative to the appointment and suspension of Mr W H Moore from his office as Solicitor to the Government". The copies were tabled on 2 October the 1852/44. The Report was tabled

on 21 December 1852/82 and was printed. The Committee observed that official documents or copies thereof, tendered in evidence by Moore, showed that he and another solicitor “in highly respectable practice in London, were...[in1814] induced to proceed to Sydney because of “the Law which prohibited persons who had been transported from practicing as Attorneys [in New South Wales. A stipend of £300 per annum...[was] given to each, as a consideration for their leaving a certain and lucrative practice at Home; whilst the Governor of this Colony was charged to allow them every privilege and indulgence which had been hitherto extended to Civil Colonial Officers of the highest class...The Home Government [had] decided that the £300 per annum allowed to Mr Moore was not to be regarded as a retainer on the part of the Government, but as a consideration for his giving up his practice in London and settling in Sydney, where the presence of respectable legal practitioners was of essential importance.” On two occasions, in 1825 and again in 1826 Moore had been appointed to act temporarily in Government positions, but retained in each case the allowance of £300. In 1829 Moore was appointed as Crown Solicitor at £500 per annum but without the additional £300, about which he protested, but to no avail. A dispute with the Attorney General of the day, Kinchela, led to Moore’s suspension by Governor Bourke, without salary. “Mr Moore then submitted that the salary of £300 per annum, which was guaranteed to him as an inducement to come to New South Wales, and not as any remuneration for his professional services, ought, at all events, to be continued to him...this claim was...rejected by Governor Bourke...Of the illegality of these proceedings, there cannot be a single doubt, [said the Committee] no charge of neglect or incompetency or malversation was brought against him. He, a gentleman of high standing, was simply accused of writing a disrespectful letter to an official whose conduct he had before and afterwards publicly and indignantly denounced...but whose official position demanded...that failure in paying respect to it should be punished by forfeiture of office and salary”. The Committee “taking the whole of the circumstances of this case into their consideration” recommended that the Governor should be requested “to place upon the supplementary Estimates for the year 1853, the sum of £1800...as compensation for the loss unjustly sustained by him of eighteen years stipend, and that his annual allowance of £300 be restored to him”. [At the time of writing the compiler of this work found no evidence that this amount was placed on the Estimates.]

## **1852/50            COMMITTEE ON THE MANAGEMENT OF THE GOLD FIELDS**

*See also* 1853/12

*Background* On 7 September 1852/50, on the motion of James Macarthur, the Council resolved to appoint a Committee “to inquire into the system now in force for the management of the Gold Fields, and the collection and administration of the Revenue thence arising, with view to the suggestion of such measures as may be deemed expedient for the improvement and greater efficiency of the system”.

*Members of the Committee* James Macarthur; Charles Cowper; John Bayley Darvall; Edward Cox; Arthur Tod Holroyd; Phillip Parker King; William Charles Wentworth; The Colonial Secretary (Edward Deas Thomson); The Solicitor General (William Montagu Manning); William Henry Suttor.

*Witnesses examined by the Committee* John Henry Durbin, Commissioner of Crown Lands for the District of Liverpool; John Richard Hardy, Chief Commissioner of the Gold Fields; *Revd* William Branwhite Clarke; Henry Harper, a gold miner; William Fletcher, Inspector of the Union Bank of Australia; James Gay Sawkins, former resident of Spanish America; Richard Hill, a gold miner; William Roberts, a gold miner; Edward Smith Hill, a gold miner; John Nicholas Beit, merchant [a copy of a letter from Beit to the Chairman of the Select Committee is printed as an Appendix to the Minutes of Evidence]; Charles Henry Green, Gold Commissioner for the Western District; William Essington King, Gold Commissioner for the Southern District; William Edward Austen, an American citizen; Edward K Silvester; Edward Jones Spence, Manager of the English “Colonial Gold Company”; James M’Eachern, Delegate from the miners of the Tambaroora District; Major D’Arcy Wentworth, Inspector of Police in the Bathurst District; John George Nathaniel Gibbes, Collector of Customs; Thomas Beagly Naylor, clerk in the Chief Gold Commissioner’s Office; Stuart Alexander Donaldson, Member of the Legislative Council; Gideon S Lang; Campbell Drummond Riddell, Colonial Treasurer.

*Report of the Committee* [A large number of related documents, including Despatches to and from the Governor General and the Colonial Office which do not form part of the Report, are printed in volume 2 of the 1852 Votes and Proceedings] There are two Progress Reports, of 14 December 1852/78 and 17 December 1852/81, and a third Report (not expected to be the final report) dated 22 December 1852/83. Evidence was taken from the witnesses from 17 September from time to time until 13 December 1852. The first Progress Report recommended the abolition of the Office of Chief Gold Commissioner “which has not been of advantage to the Public Service, but, on the contrary, has led to delay and irregularity which it is most essential to prevent, in the discharge of duties of so responsible and important a character...the District Commissioners should refer directly to the Office of the Colonial Secretary...With reference to the Department of Gold Receiver [according to] the Evidence of the Colonial Treasurer [was] that that Office might be dispensed with and the duties performed by... [clerks within the Colonial Treasury]. The Second Progress Report said that the Committee could not produce its final Report because of the great quantity of the Evidence (which is printed in about 180 pages). However, it submitted for the consideration of the Council a *Bill for regulating the management of the Gold Fields of New South Wales, and for raising a Revenue therefrom, and for the preservation of order thereon*. One of the matters of greatest concern to the Committee, as is shown by much of the Evidence, was the fact that a large proportion of the miners managed to avoid taking out the Licences which they were required to have on the gold diggings. The Bill was *passed* on 23 December 1852/84. The Committee on the Gold Fields Management Bill was reappointed on 8 June 1853 consequent of the Governor by Message no.1 of 11 May 1853 having proposed a revised version of the *Gold Fields Management Bill*.

## **1852/51 COMMITTEE ON THE POLICE REGULATION BILL**

*Background* On 20 July 1852/25 the Governor, by Message no. 22, proposed drafts of *A Bill for the regulation of the Police Force*, and also *A Bill to disqualify Officers of the Police from being elected Members of the Legislative Council, and to prevent Officers of Police and Constables from interfering with or influencing Elections of Legislative Councillors*. Both Bills were read a first time on 4 August 1852/33. The Police Regulation Bill had its second reading on 11 August 1852/37 and was considered by the Council sitting as a Committee of the Whole on that

day, and subsequently on 1 September 1852/47; on 8 September 1852/51, on the motion of Arthur Tod Holroyd, the Bill was referred to a Select Committee for further consideration and report.

*Members of the Committee* Arthur Tod Holroyd; John Dobie; Charles Cowper; George Robert Nichols; James Martin; The Colonial Secretary (Edward Deas Thomson); The Inspector General of Police (William Colburn Mayne); The Solicitor General (William Montagu Manning);

*Report of the Committee* There are three Reports: a Progress Report of 16 September 1852/56, a Second Progress Report of 30 September 1852/63, and a Final Report of 23 November 1852/66. The first Report simply recommended pay increases, with temporary pay “to be granted during the present emergency”, the Inspector General having drawn to the attention of the Committee the impossibility of retaining existing Police Offices or recruiting new Officers. The second Report recommended that a sum of £2,000 be placed on the Estimates for 1853 to meet the cost of increased pay for Chief Constables and District Constables of the Land Police, this having been the subject of a recommendation of the Council on 10 September 1852/53. The final Report brought up an amended Bill which consists of “limiting the operation of the existing system of Police to the Metropolitan District, and the control of the Inspector General of the Police Department to the Metropolitan Constabulary and the road Patrols—in making his Office the channel for the whole Police correspondence of the Colony, and the diffusion of information and communication generally, as regards crime and all matters of Police—in the abolition of the Offices of Provincial Inspectors of Police—in bringing the Road Patrols, Gold Police and Escorts, within the operations of the Bill—in the placing in the hands of the Benches of Magistrates the exclusive control of the Constables in their respective districts, their appointments and dismissals, with a provision for appeal in the latter case to the Governor.” In general, no great expansion in the numbers of Police was thought to be necessary, except in some special circumstances. On 10 September 1852/53, on the motion of Robert Fitzgerald, the Council proposed that the Select Committee be instructed to consider whether the Governor should be requested to place on the Estimates for 1853 “a sum of money equivalent to an advance of one shilling and ninepence per diem for all Chief Constables, one shilling and sixpence for all District Constables, and tenpence for all Ordinary Constables”. The Committee’s Progress Report “in reference to the pay of the Constabulary of the Colony” was adopted by the Council on 1 October 1852/64 and was *passed*.

## **1852/59 COMMITTEE ON THE PETITION OF JOHN BUSBY**

*See also* 1832/32, 1833/12, 1837/16

*Background* On 14 September 1852/51 William Charles Wentworth “presented a Petition from John Busby, Esquire, late Mineral Surveyor and Civil Engineer, representing the reduction of his Salary in the year 1834, by £200 a year, and praying relief”. The reduction of the original salary of £500 a year was ordered by the Governor of the time, Sir Richard Bourke, who believed that the work on the tunnel for bringing water to Sydney was proceeding so slowly that he doubted whether it ever would be completed. The reduction of £200 a year was intended to pay for assistance to Busby in the completion of the project. When in 1837 the tunnel was successfully bringing water to

the Town of Sydney, although the scheme was incomplete, Busby, then aged 72, decided to retire. By direction of the Governor the Council was to decide the amount of a gratuity to be paid to Busby, and this was fixed as a lump sum of £1,000. Now, fifteen years later at age 87, he stated “that if it is to be admitted, as he believes it is, that owing to his skill and perseverance the City of Sydney is now supplied with pure water, the Representatives of the People will not be unwilling to do him that justice which he considers himself to have been for many years entitled”. The present Council appointed a Committee “to inquire into and report upon the allegations in the Petition of John Busby, and whether he is entitled to any and what compensation upon any of the grounds in the said Petition”.

*Members of the Committee* William Charles Wentworth; George Robert Nichols; Charles Cowper; Terence Aubrey Murray; Henry Watson Parker; Augustus Morris; The Attorney General (John Hubert Plunkett).

*Witness examined by the Committee* Alexander Busby (son of John Busby).

*Report of the Committee* The Committee reported on 24 November 1852/67. It was printed, together with Busby’s Petition and the voluminous correspondence between Busby and the Colonial Secretary. It is apparent that the Committee was convinced of the justness of Busby’s claim. It found that he had been fully entitled to his original salary of £500 a year, “and that no sufficient grounds existed for reducing it, as was done in 1834, to the annual amount of £300”. Under the regulations with regard to Retiring Allowances at the time of his retirement, Busby was entitled, after ten years service, to a retiring allowance equal to two years salary (£1,000), but notwithstanding the gratuity of £1,000 awarded by the Legislative Council in 1837, “he was underpaid £333.6s.8d, which he ought to have received in that year”. The Council approved of the Address to the Governor General on 30 November 1852/70.

## **1852/62 COMMITTEE ON THE CHRIST CHURCH BILL**

*Background* On 24 September 1852/60 Arthur Tod Holroyd had sought leave to bring in a *Bill to enable the Trustees of Christ Church and the Parsonage adjoining, in the City of Sydney, to Dispose of and convey, either by the way of absolute sale, or by exchange, or to demise or lease, the site of such Parsonage, and certain land to the south of the said Church, and to purchase or erect another Parsonage in a more convenient situation in the said Parish, and for other purposes therein mentioned.* The Bill had its first reading on 28 September 1852/61. On 29 September 1852/62 the Council, on the motion of Arthur Tod Holroyd, resolved to appoint a Committee for consideration and report of the Bill.

*Members of the Committee* Arthur Tod Holroyd; John Ware Smart; John Lamb; John Rose Holden; John Bayley Darvall; George Allen.

*Witnesses examined by the Committee* Charles Lowe, solicitor for the Trustees of Christ Church; Michael Metcalfe, a Church-Warden of Christ Church and a Trustee; Henry Kerrison James, Deputy Registrar to the Bishop of Sydney.

*Report of the Committee* The Report was tabled on 7 December 1852/74. The Committee agreed to the Bill as amended by Charles Lowe in evidence. The Report and Evidence were printed. The Bill had its second reading on 10 December 1852/77 and was

considered by the Council in Committee. The Report was adopted on 14 December 1852/78, had its third reading on 17 December 1852/81 and was *passed*.

#### **1852/62 COMMITTEE ON THE TENEMENTS BILL**

*Background* On 10 August 1852/36 George Robert Nichols sought leave to introduce a “*Bill...for facilitating the recovery of possession of tenements after due determination of the tenancy...*” The Bill was read for the first time on 14 September 1852/54 under the title *A Bill for the speedy recovery of the possession of Tenements unlawfully held over*. When it came up for its second reading on September 1852/62 it was referred to a Committee for consideration and report.

*Members of the Committee* The Attorney General (John Hubert Plunkett); George Robert Nichols; Arthur Tod Holroyd; The Solicitor General (William Montagu Manning); James Macarthur; James Martin.

*Report of the Committee* The Committee appears to have met, but the ‘Summary of Proceedings of Bills introduced during the Session of 1852’ records “lapsed in Committee”.

#### **1852/62 COMMITTEE ON THE GREAT NUGGET VEIN GOLD MINING COMPANY’S BILL**

*Background* On 1 October 1862/61 James Martin sought leave to introduce *A Bill to incorporate ‘The Great Nugget Vein Gold Mining Company of Australia’ and for other purposes therein mentioned*. On 1 October 1852/64 the Council referred to the Bill to a Committee.

*Members of the Committee* James Martin; Arthur Tod Holroyd; George Robert Nichols; George Allen; Henry Grattan Douglass; Augustus Morris; Edward Broadhurst.

*Witness examined by the Committee* Charles Lowe, acting Secretary for the Company.

*Report of the Committee* The Committee reported on 17 December 1852/81, that the Bill as amended in Committee, should be agreed to.

#### **1852/62 COMMITTEE ON THE HUNTER RIVER NEW STEAM NAVIGATION COMPANY’S BILL**

*Background* On 29 September 1852/62 William Charles Wentworth sought leave to bring in a *Bill to incorporate the Proprietors of a certain company called ‘The Hunter River New Steam Navigation Company’ and for other purposes herein mentioned*. On the same day the Bill had its first reading. On 1 October 1852/62 it was referred to a Committee.

*Members of the Committee* William Charles Wentworth; George Allen; John Rose Holden; Charles Cowper; Stuart Alexander Donaldson; Henry Grattan Douglass; George Robert Nichols.

*Witness examined by the Committee* Joseph Chambers, solicitor to the Company.

*Report of the Committee* The Committee reported on 25 November 1852/68 that the Bill, as amended in Committee, should be agreed to.

**1852/64 COMMITTEE ON THE GOLDEN RIDGE QUARTZ  
CRUSHING COMPANY'S BILL**

*Background* On 29 September 1852/62 James Martin sought leave to introduce a *Bill to incorporate the 'Golden Ridge Quartz Crushing Company' and for other purposes therein mentioned*. On 1 October 1852/64 the Council resolved that the *Bill to incorporate the 'Turon Golden Ridge Quartz Crushing Company'* be referred to a Committee.

*Members of the Committee* James Martin; William Charles Wentworth; Arthur Tod Holroyd.

*Witnesses examined by the Committee* John Buchanan, Colonial Storekeeper; Henry Moore, merchant; Frederick Ford, merchant; Edward Knox, Director of the Commercial Bank; Richard Binnie, saddler.

*Report of the Committee* The Committee's Report was tabled on 7 December 1852/74 and it and the Minutes of Evidence were printed. The Committee noted that the Colonial Storekeeper's Department had been established by Governor Burke in 1837, and that Instructions had been carefully drawn up. However, "although some of these Instructions are still adhered to...the keeping of Accounts, and establishing checks upon the receipt and issue of Stores, with the appointment annually of a Board of Survey for the purpose of checking the Stock, have not been carried out...at this time there exists no check whatever by which the amounts and value of Stores received into, issues by, and remaining as Stock on hand...can annually, or at any other period of time, be ascertained". The Colonial Storekeeper (Buchanan) in Evidence, had stated that it never been possible for such checks to be made because his Department had never had the number of staff required. The Committee was of a different mind: "...having personally visited the Government Store, and inspected the Books of Account, as well as made inquiry into the quantity and variety of articles in charge of the Colonial Storekeeper, are, however, of a quite different opinion. From the Evidence of practical gentlemen...it will be seen also that in mercantile establishments of very much larger extent...an accurate account and description is taken of every receipt and issue, and accurate stock of articles on hand, is made out at least once a year. Your Committee are of opinion that a similar system of accounting and stocktaking should be adopted by the Colonial Storekeeper, and that to carry it out efficiently he needs no further increase to his Establishment than that which has been recently made by the Government in order to enable him to the satisfactory keeping of Books". Accordingly, the Committee made a number of specific recommendations for the conduct of the business of the Colonial Storekeeper's Department. Whether these recommendations were put into effect is unclear: the Council did not consider the Report, perhaps because of lack of time, before the Session was prorogued on 28 December 1852/85. It is, however, not unreasonable to assume that the recommendations were not issued as instructions to the Colonial Storekeeper, or if received by him, were ignored. An Inquiry into the Conduct of the Colonial Storekeeper's Department was held in 1860 (see Executive Council Minute 60-17 of 16 April 1860) That Inquiry found that the Chief Clerk in the Colonial Storekeeper's Department had tendered, under a false name, for the supply of stores, but concluded that the evidence "did not establish complicity or connivance on the part of Mr

Buchanan with those acts of Mr Weston [the Chief Clerk] but it has produced in the minds of the Board [of Inquiry] grave suspicions of such complicity or connivance on this part". The Board was as concerned about "the extremely loose and unsatisfactory practice...in the Department...with regard to the notification of the acceptance of tenders, to proper record of receipt of stores...and adoption of reliable means for effective of accounts for stores supplied". These were essentially the problems which the 1852 Committee had identified.

### **1852/83            COMMITTEE ON THE COMMERCIAL BANKING COMPANY'S BILL**

*Background* On 17 December 1852/81 Charles Cowper introduced *A Bill to amend an Act to Incorporate the Proprietors of a certain Banking Company, called the Commercial Banking Company of Sydney, and for other purposes therein mentioned*. On 22 December 1852/83 the Council resolved to appoint a Committee for consideration and report.

*Members of the Committee* Charles Cowper; Stuart Alexander Donaldson; William Dumaresq; Augustus Morris; The Auditor General (Francis Lewis Shaw Merewether); Thomas Icely.

*Report of the Committee* The Committee reported on the evening of the same day, the House sitting late. It recommended that the Council approve the Bill without amendment. It was *passed* on 23 December 1852/84

## **Session of 1853**

### **1853/2            COMMITTEE ON MARRIAGE LAWS**

*See also* 1852/34. *A note on the fate of the Bill and its successor in 1855 will be found below in this entry under Report of the Committee and an account of further developments.*

*Background* The 1852/34 Committee on Marriage Laws had been unable to complete its work and recommended reappointment in the 1853 Session: the Evidence taken in 1852 was printed. The Committee was reappointed on 11 May 1853/2.

*Members of the Committee* Charles Cowper; George Allen; James Martin; The Solicitor General (William Montagu Manning); Augustus Morris; George Bowman; John Bayley Darvall; John Richardson.

*Witnesses examined by the Committee* Jacob Isaacs, Reader of the Synagogue; Abraham Davey, of the Society of Friends; Arthur Martin a'Beckett, a Unitarian; Frederick Piper, a Unitarian; *Revd* Henry Hodgkinson Bobart, clergyman of the Church of England; *Revd* William Horatio Walsh, clergyman of the Church of England.

*Report of the Committee and an account of further developments* The Committee reported on 18 August 1853/49. (1) It noted that "since 1825 nine Acts of Council relating to marriage in this Colony had been passed; and that to arrive at a complete knowledge of the Colonial Law of Marriage, as it now stands, reference must also be made to the position

of the English Marriage Law previous to the passing of Lord Harwick's Act (26 Geo II., cap. 33). (2) ...such a multiplicity of enactments in the case of a Law which intimately affects the social condition of every member of the community...is in itself a serious evil. (3) ...it is extremely difficult to define...what is the state of the Marriage Law, and uncertainty consequently hangs over many past Marriages, while there are classes of persons for whom the Law makes no express provision." (4) The Committee also noted "That the declaration of religious tenets, now essential to a Marriage in certain cases, is felt to be an undue interference by the State; and is objected to as also holding out a temptation to falsehood to those who would avoid scrutiny, with a view to marrying clandestinely. (5) ...for all these reasons it is expedient to amend and consolidate the law of Marriage in this colony, and to adopt some general scheme by which all the members of the community may be at liberty to marry according to their own views and opinions. (6) ...Marriage being a civil as well as a religious institution...involving important civil rights and duties, the State is so bound to regulate it, as best to secure the public good, avoiding at the same time all unnecessary interference with its religious character. (7) The duty of the State...is not disputed by any religious body... (8) ...the main objects are publicity, uniformity, and certainty...sufficient notice should be given to obtain every necessary consent, and to allow of opportunity for disclosing any lawful impediment. (10)...in order to extend freedom of conscience to all equally, the civil contract in some special cases [should] be allowed to constitute a complete Marriage." The Committee then went to observe that "To remedy all the defects of the existing law...it is proposed that an Act should be passed which should not wound the feelings, nor touch the privileges of any body of men, nor offend any man's conscience, but in which the whole of this delicate and momentous subject, should be so treated as to respect the conscientious opinions of every member of the community. Arrangements are proposed for Registrars for specified Districts with a central Registry in Sydney; Minister of religion might be appointed as Deputy Registrars, and Registrars themselves might conduct marriages if the parties so desired; full and proper records should be kept. All Marriages shall in future be in conformity with the [proposed] Act; and all Marriages heretofore solemnized by Ministers of Religion of any persuasion, if not on other accounts invalid, be declared valid to all intents and purposes." On 23 August 1853/50 the Attorney General introduced *A Bill to amend and consolidate the Law of Marriage in the Colony of New South Wales*. Its second reading was set down for 31 August 1853/54 but it had not been debated before the Session was prorogued on 22 December 1853/87, although three Petitions on the Bill had been received by the Council, all on 13 December 1853/81. The first, presented by Terence Aubrey Murray, was from "the Archbishop and the Roman Catholic Clergy of Sydney, in Conference assembled, urging certain objections to this Bill, and praying that some proviso or exception be made to meet such objections". The second, presented by Charles Cowper, was "from certain Clergy of the Diocese of Sydney, urging certain objections to this Bill, and praying that the same be taken into consideration". The third, presented by Phillip Parker King, was "from the Bishop and Clergy of the Church of England, in the Diocese of Newcastle, urging certain objections to this Bill, and praying that the same may be taken into consideration". All the Petitions were ordered to be printed, although at the time of writing the compiler of this work had not seen them. There appears from this time onwards what might be seen as a general reluctance to proceed further with the matter. On a number of sitting days in the rest of 1853 and the whole of 1854 there were attempts to keep the matter on the Notice Paper; each time it was scheduled for consideration other matters, perhaps thought to be of greater importance, took its place. It was not until 2 July 1855/25 that the Governor General (by then Sir William Denison) took the matter of the Marriage Laws in hand: Message no. 42 from the Governor to the Council proposed a draft of a *Bill to amend and*

*consolidate the Laws affecting the Solemnization of Marriage.* The Bill had its second reading on 15 August 1855/36, when an attempt to refer it to a Select Committee was unsuccessful; instead it was considered by the Council sitting as a Committee of the Whole on 30 August 1855/42 and on 4 October 1855/61 it was read a third time and *passed*.

### **1853/2 STANDING ORDERS COMMITTEE**

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); William Charles Wentworth; Henry Watson Parker; James Macarthur; George Robert Nichols; Charles Cowper; Edward Broadhurst; Arthur Tod Holroyd; James Martin.

### **1853/2 LIBRARY COMMITTEE**

*Members of the Committee* The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); William Charles Wentworth; Henry Watson Parker; James Macarthur; Phillip Parker King; George Robert Nichols; Terence Aubrey Murray; Arthur Tod Holroyd.

### **1853/3 COMMITTEE ON ELECTIONS AND QUALIFICATIONS**

*Background* See above 1851(2)/8. The 1853 Committee was appointed by the Speaker on 17 May 1853/3.

*Members of the Committee* George Allen; James William Bligh; James Chisholm; Phillip Parker King; William Charles Wentworth; The Solicitor General (William Montagu Manning).

### **1853/3 COMMITTEE ON DESTITUTE CHILDREN**

*See also* 1852/29, 1854/3, 1854/94

*Background* On 27 July 1852/29 a Committee had been appointed to report on this matter, but it “lapsed in Committee”. On 17 May 1853/3 the matter was raised again by James Martin who had chaired the 1852 Committee. The Council resolved that a Committee be appointed “to inquire into and report upon the best means of providing for destitute children, and preventing juvenile delinquency, with liberty to send for persons and papers”. The Evidence taken before the 1852 Committee was to be available to the new Committee.

*Members of the Committee* James Martin; The Auditor General (Francis Lewis Shaw Merewether); Charles Cowper; Augustus Morris; John Dobie; William Henry Suttor; George McLeay; Phillip Parker King; Henry Grattan Douglass; George Allen.

*Report of the Committee* The 1852 Committee had heard evidence from witnesses in September of that year, but had lapsed before the end of the 1852 Session. When the 1853 Committee was appointed the Evidence taken by the 1852 Committee was made available to it but it did not report in 1853. The Committee was reappointed on 8 June

1854/3 and it made a Progress Report to the Council on 1 December 1854/94 *for which see below*. All the Evidence taken previously was printed with this 1854 Progress Report.

## 1853/6 COMMITTEE ON THE SUPPLY OF WATER TO SYDNEY

*See also* 1832/32, 1833/12, 1837/16,  
*and for the Corporation of Sydney* 1849/4, 1852/22

*Background* The Select Committee of 1837/16 had commented that the water supply tunnel which had been completed that year would “afford a sufficient supply of water for 20,000 inhabitants”. However, by the end of 1852 the total population of New South Wales had risen to 208,254, the great majority of whom lived in the City of Sydney and its suburbs; urgent action was required to ensure an adequate and reliable supply of water for the city. In addition, the Select Committee of 1849/4 on the Sydney Corporation had pointed out that although the Corporation had constantly complained of lack of funds, it possessed a power of charging for water which it did not employ, and had done nothing to secure the supply of water to the city. On 20 May 1853/6 Edward Flood had moved the appointment of “a Select Committee...for the purposed of inquiring into, and reporting on, the best means of securing an immediate and permanent supply of Water for all the purposes of this City and Suburbs”. Debate on the proposed Committee was adjourned until 7 June 1853/11 when, on the motion of the Colonial Secretary, Edward Deas Thomson, the Council adopted an amendment to Flood’s motion, as follows: “That an address be presented to the Governor General requesting His Excellency to adopt the best means for affording an abundant supply of pure Water to the City of Sydney and its Suburbs”. The Colonial Secretary as a member of the Executive Council was aware that on the previous day (6 June 1853) it had recommended to Governor General Fitz Roy that he should “take early measures for securing an ample supply of Water to the City of Sydney, and also for the thorough Drainage of the said City”. The Executive Council also proposed that “as the Corporate authorities of the City have not hitherto taken any effectual steps for this purpose, the Council see no alternative but to recommend that the matter should be taken in hand by the Government...and [that it would be] expedient to combine the Water supply and the Drainage of the City under the same supervision”. The Legislative Council was informed of this by Message from the Governor on 6 July 1853/28, but reminded that the Government could not take the required steps without the sanction of the Legislature since water supply and drainage came within the responsibility of the Corporation of Sydney. It would be preferable that the works be entrusted “to a paid Commission of properly qualified persons, to be appointed by the Government”. The Executive Council also addressed the question of how such expensive capital works should be paid for, and recommended that a loan be sought, at a rate not exceeding 4%, from the Savings Bank which had ample deposits but with no other means of employing the funds for the benefit of depositors. On 26 August 1853/52 the Governor by Message proposed *A Bill for the better Sewerage and Cleansing the City of Sydney and portions of the Suburbs thereof*, and *A Bill for supplying the city of Sydney and portions of the Suburbs thereof with water*. Both Bills had their first readings on 7 September 1853/58 and their second reading on 21 September 1853/66 and both were considered by the Council in Committee. On 5 October 1853/74 the Reports of the Committee in Council were adopted with amendments, and on 11 October 1853/76 both Bills had their third reading and were passed.

## 1853/6 COMMITTEE ON PASSENGER VESSELS

*Background* On 20 May 1853/6 James Martin proposed the appointment of a Committee “to inquire into and report upon the expediency or the necessity of regulating passenger vessels, and fixing the number of passengers which shall be permitted to be brought by any vessel into this Colony”.

*Members of the Committee* James Martin; Charles Cowper; Augustus Morris; John Bayley Darvall; Henry Grattan Douglass; George McLeay; The Solicitor General ((William Montagu Manning); Edward Flood; Arthur Tod Holroyd; The Auditor General (Francis Lewis Shaw Merewether).

*Report of the Committee* The Committee does not appear to have met either in 1853, or in the subsequent years up to 1856, and there is no reference to it in the Indexes to the Votes and Proceedings for those years. Whether it was considered by the new Parliament is beyond the scope of the present work.

## 1853/8 COMMITTEE ON SALARIES OF PUBLIC OFFICERS

*Background* The Governor General, Fitz Roy, in his opening Address to the Council on 10 May 1853/1 had commented that the increased prosperity of the Colony had meant increases in the prices of commodities and services, but that on the whole these were offset by corresponding increases in wages and salaries. However, “the paid servants of the Crown, whose incomes, fixed with reference to former prices, now prove very inadequate to their proper position and reasonable support”. The Governor followed this up on 18 May 1853/4 with Message No. 7 which referred to the proposal of the Executive Council “for granting a certain scale of temporary increase to the Salaries of Officers in the Public Service”. When this was considered by the Council on 26 May 1853/8 it resolved, on the motion of Charles Cowper, that the Governor’s proposal “be referred for the consideration and report of a Select Committee, with instructions also to consider and report what increases should be granted to other Public Officers not specified” in the Governor’s Message.

*Members of the Committee* Charles Cowper; William Charles Wentworth; Robert Campbell; Phillip Parker King; James Macarthur; George Robert Nichols; George McLeay; Augustus Morris; Thomas Ware Smart; Arthur Tod Holroyd.

*Report of the Committee* The extract from the Minutes of the Executive Council referred to by the Governor in Message 1853/4 is printed in the Votes and Proceedings 1853, vol. 1. The Governor’s Message No. 16 of 7 June 1853 was considered by the Council on 22 June 1853/20: this Message set out a Supplementary Estimate of Expenditure for 1853, and the Estimates of Revenue and Expenditure for 1854. The Supplementary Estimate included “£16,230 as a provision for the proposed temporary increases in salaries in departments of which the expenses are regulated by annual appropriations of the Legislature. The estimate of the sum required for these increases is based on...Message No. 7...” When the Council considered Message 16 it resolved itself into a Committee of the Whole which sat on 22 June 1853/20, 23 June 1853/21 and some later dates. The Report of the Select Committee of the proposed salary increases was tabled on 28 June 1853/23 and was ordered to be printed; it includes the Minutes of the Committee meeting. The Committee proposed an amended version of the increases which the

Governor had proposed: "...on all Salaries of £300 and under, an addition should be made of £100 per annum...exceeding £300 and not exceeding £600, an addition ...of £175...exceeding £600 and not exceeding £1000, an addition of £200...exceeding £1000 and not exceeding £2000, an addition of £300." Increases to the Police both in the City and the country were recommended; "...even with the temporary increases sanctioned last Session, the pay of these subordinate officers is not sufficient, in the present circumstances of the Colony, to ensure men of good character and efficiency". The increases in expenditure for 1853 and 1854 are summarised in the Report, at £38,739 and £50,600 respectively. "This large amount of increase has been a matter of serious consideration with your Committee, but they are persuaded that the scale at which they have proposed to fix the temporary additions to the pay of the public servants of the Colony, is not more than sufficient for their remuneration under existing circumstances...Your Committee...have scrupulously abstained from making any recommendations except such as had reference to a scale of temporary additions in consequence of the extraordinary rise in house rent, the price of the necessaries of life, and those unavoidable expenses which have been so suddenly increased by the Gold discovery...Upon one subject only not strictly falling within the scope of their inquiry..." the Committee suggested that "with a view of commencing the formation of a permanent and well-disciplined Police Corps, two hundred men should be brought to the Colony from the London or Irish Police with as little delay as possible..."

## 1853/9 COMMITTEE ON THE CONSTITUTION DESPATCHES

*See also* 1850/1, 1851(1)/4, 1852/6, 1852/32

*Background* The question of a Constitution for the Colony of New South Wales had been under discussion for several years. What was sought was the right for the Colony to direct its own affairs; not the least of the issues was the control and expenditure of the Land Fund. A statement of general grievances including this and other matters which the Council had prepared, largely at the instigation of William Charles Wentworth, became the subject of a Petition to the Home Parliament; for this *see above* 1851(2)/12. In Governor Fitz Roy's Address to the opening of the 1853 Session of the Council, he informed members that Despatches from successive Secretaries of State for the Colonies Sir John Pakington and the Duke of Newcastle stated that Her Majesty's Government will adopt the necessary measures for the redress of the grievances contained in your petition to Her Majesty. "The documents will explain the detail of the terms upon which the control of the administration of the Crown Lands and the appropriation of the revenue arising therefrom will be transferred to the Legislature of the Colony...everything of material consequence will be granted on conditions which I doubt not will be considered satisfactory both the you and the colonists generally...Rather than attempt[ing] any recapitulation of them here...the documents will be immediately laid before you". On 27 May 1853/9 John Bayley Darvall proposed a series of resolutions which in effect reflected the gratitude of the Council "for this gracious expression of Her Majesty's readiness to comply with the wishes of the Inhabitants of New South Wales". This rather fulsome declaration (printed in full in the record of the day's proceedings), after debate, was then proposed to be amended by William Thurlow. After further debate the amendment was withdrawn and William Charles Wentworth then proposed "That the Despatches relating to the New Constitution...be referred to a Select Committee of Eight Members to prepare Resolutions in reference thereto".

*Members of the Committee* William Charles Wentworth; John Bayley Darvall; James Martin; George Robert Nichols; Charles Cowper; James Macarthur; George M'Leay; James William Bligh; Thomas Barker.

*Report of the Committee* The Committee reported on 10 June 1853/14 and the Report was printed. The proposed resolutions were debated on 14 June 1853/15 and were approved by the Council. The resolutions were “(1) That this Council, while adhering to its previously recorded opinions, respecting the Constitutional rights of the Inhabitants of this Colony, deems it proper to express its deep sense of the conciliatory spirit evinced in the late Despatches from...Sir John Pakington and...the Duke of Newcastle...and to express its hope that they are the commencement of a new and auspicious era in the Government of Her Majesty’s Australian Colonies. (2) That this Council, at the same time, desires to record its appreciation of the Despatches of His Excellency the Governor General, recommending the concessions which have been made. (3) That a Copy of these Resolutions be transmitted by the Speaker to the...Secretary of State for the Colonies, and be also presented by him to...the Governor General”.

## **1853/10 COMMITTEE ON LAND RESERVES FOR PUBLIC RECREATION**

*See also* 1854/4

*Background* On 31 May 1853/10 Arthur Tod Holroyd proposed the appointment of a Committee “to inquire into and report upon the propriety of recommending to...the Governor General, the reservation of certain unappropriated lands in and near the City of Sydney, as places to be set apart for the public recreation of the inhabitants of Sydney and its suburbs”.

*Members of the Committee* Arthur Tod Holroyd; The Colonial Secretary (Edward Deas Thomson); James Martin; Edward Flood; Augustus Morris; William Thurlow; Charles Cowper; The Auditor General (Francis Lewis Shaw Merewether); James Macarthur; George Robert Nichols.

*Witnesses examined by the Committee* John Thompson, Acting Deputy Surveyor General; James Wallace, Engineer of the Sydney Railway.

*Report of the Committee* On 15 December 1853/83 Mr Holroyd, as Chairman, tabled a Progress Report and the Minutes of Evidence; they were printed. The Committee recommended that the inquiry be resumed in the next Session. The Committee was re-appointed on 13 June 1854/4 for which *see below*.

## **1853/12 COMMITTEE ON THE GOLD FIELDS MANAGEMENT BILL**

*See also* 1852/50

*Background* On 11 May 1853/2, the Governor by Message had proposed *A Bill to amend the Act for Regulating the Management of the Gold Fields*. The Bill was read a first time on 18 May 1853/4, and at its second reading on 8 June 1853/12, on the motion of William Charles Wentworth, it was referred to a Committee for consideration and report.

*Members of the Committee* William Charles Wentworth; James Macarthur; Charles Cowper; The Colonial Secretary (Edward Deas Thomson); James William Bligh; George Robert Nichols; John Bayley Darvall; Terence Aubrey Murray; George Macleay; The Solicitor General (William Montagu Manning), replaced on 9 June 1853/13 by Charles Wray Finch because of an error in counting the ballot.

*Witnesses examined by the Committee* Charles Frederick Hemington, store keeper and gold buyer at the Turon Gold Field; Charles Henry Green, Gold Commissioner for the Western Districts; Adam Wilson, former resident of gold fields; William Essington King, Gold Commissioner for the Southern District; William Hardy, a resident of the Western Gold Fields; Gideon Lang; Edward Hammond Hargraves, claimant to be the first discoverer of gold in New South Wales; William Tom; Archibald Clunes Innes, former Assistant Gold Commissioner; John Hardman Lister; Edward Deas Thomson, Colonial Secretary; *Revd* William Branwhite Clarke, geologist; Robert George Massie, Commissioner of Crown Lands for the New England District.

*Report of the Committee* The Committee reported on 20 September 1853/65 and the Report and Minutes of Evidence were printed. The Committee first noted the general principle, already established, “that the proprietor of the Gold Fields, which is the public property of this Colony, should derive from them, if not that rack rent which would undoubtedly be levied by an individual proprietor in the like case—a rent at all events proportionate to the returns which the Miners of the Colony, as an average result, derive from them, the first question to be determined, is—what is the average yield of the Gold Fields to those who are employed as Miners?” The Committee determined from “a wonderful unanimity of opinion” from witnesses examined, that on average each miner obtained one ounce of gold a week, “estimated...at £3 16s, or £15 4s a month”, out which “each Digger is required to pay at present £1 10s per month for his license to dig, not, as is erroneously contended, as a tax, but by way of Rent or Royalty to the public for this privilege” As to whether that was excessive or not, there was some division among the Committee members: “All, however, agree that the Licensing System...must be kept up to some extent, in order to maintain due supervision over the bad characters at the Gold Fields, and for the safety and protection of the Diggers themselves”. The neighbouring Colony of Victoria had recently reduced the License Fee, and for that reason only the Committee recommended that in New South Wales the fee be reduced to 10s per month. An Export Duty had been suggested by some witnesses “to supplement the great deficit in the Revenue which it is conceived will be the inevitable result of this large reduction in the License Fee”; a clause should be introduced into the Bill to empower the Governor, with the advice of the Executive Council, to impose such a Duty while the Council was prorogued, should it appear necessary. The Committee was generally of the opinion that the License Fee should not apply to persons on the Gold Fields who were not Diggers, such as storekeepers, servants, etc., but each registered servant should “pay a fee of five shillings...as a fair contribution towards the General Revenue and as a means of identification by the Police that he is not a Digger liable to pay the higher fee...” The clause in the proposed Bill which “restricts prospecting without licenses to places not within proclaimed Gold Fields, should be abandoned; the Commissioners [should] be empowered...without fee, to permit prospecting as well within proclaimed Gold Fields as without them”. Prospectors should be allowed the register up to six claims at one pound each: “it is conceived that a regulation of this kind will very greatly facilitate prospecting, and thereby lead to the discovery of fresh Gold Fields”. Proposals “that the Gold Fields of the Colony should be

thrown open to the competition of the world without fee or restriction” were in the view of the Committee to be “altogether inexpedient”. The “proposed gratuity of £5000 to Mr Hargreaves, on the ground that he was the first discoverer of the auriferous wealth of the Colony” should proceed, although John Lister and William Tom who had petitioned for a share of the gratuity should each also receive £1000. The Committee was satisfied that Hargreaves “had returned to the Colony from California for the express purpose of searching for gold; that he had shewed those Petitioners the Californian method of obtaining Gold by Cradles; that while in the course of this instruction, and in the company of John Lister, he found some minute particles of Gold; [and] that shortly after John Lister and James Tom returned to a spot on the Ophir Creek...and proved that Gold in remunerating quantities could be procured there. Mr Hargreaves however, it is clear, taught them how to find the Gold, which they eventually obtained”. Finally, “Your Committee...feel it due to the *Revd* W B Clarke to record their high appreciation of the Geological Reports which he has addressed at different times to this Government, and their opinion, that the sum of £500 [already] placed on the Supplementary Estimate...should be increased to £1000”. The Governor by Message no. 44 of 21 September 1853 approved the increase. The *Gold Fields Management Bill* had its second reading on 22 September 1853/22 and was considered by the Council in Committee, and on the following day the Council adopted the Bill with amendments; it was read a third time on 27 September 1853/69 and was *passed*, as *An Act to amend the Act for regulating the Management of the Gold Fields*.

#### 1853/14 COMMITTEE ON QUARANTINE LAWS

*See also* 1829/8, 1832/35

*Background* The question of imposing and regulating quarantine on vessels arriving had first been before the Council on 14 September 1829/8 but the *Bill for an Act to subject Vessels arriving in this Colony, in certain cases, to perform Quarantine* which had been proposed by Governor Darling appears not to have been passed. It was reintroduced on 26 July 1832/35 as *A Bill for subjecting Vessels coming to New South Wales from certain places, to the performance of Quarantine* and had been *passed* by the Council on 28 July 1832/37. On 10 June 1853/14 Mr Holroyd moved “that a Select Committee be appointed to inquire into the Quarantine Laws of the Colony, with a view to ascertain whether they can be modified or limited without danger to the public, and to report thereon”. The intention was to attempt to determine whether the Quarantine periods, thought by some to be onerous, might be safely reduced.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); The Collector of Customs (John George Nathaniel Gibbes); James Martin; George Robert Nichols; Henry Grattan Douglass; Phillip Parker King; Alick Osborne; Arthur Jeffreys; William Thurlow; John Dobie.

*Witnesses examined by the Committee* Haynes Gibbes Alleyene, Health Officer of Port Jackson; Bartholomew O’Brien, Medical Adviser to the Government; William Bland, medical practitioner resident in the Colony for about forty years; Arthur Martin a’Beckett, medical practitioner of fifteen years, resident in Sydney; Isaac Aaron, medical practitioner; Thomas Barker, medical practitioner of twenty five years, recently arrived in the Colony as the Surgeon Superintendent of the immigrant ship *Ontario*; Hutchinson

Hotherstall Browne, Immigration Agent of the Colony for more than two years; Alick Osborne, former Naval Surgeon.

*Report of the Committee* The Report of the Committee was tabled on 15 December 1853/83, and was printed together with the Minutes of Evidence and correspondence between the Colonial Secretary and the Health Officer. The Committee reported that it was its view that the arrangements presently in progress for increased accommodation at the Quarantine Station, and the purchase by the Government of the ship *Harmony* for the separation of persons suffering from fever and infectious diseases, and the provision of adequate medical attendance when required, “leaves nothing to be done for the improvement of the present system”. As to the question of whether “the present Quarantine Regulations of the Colony could be safely modified or relaxed, with a view to reduce the periods of Quarantine...upon a review of the evidence, and mature consideration of the whole subject, they are not prepared to recommend any alteration of the present system”. The Committee had also been asked to report on “whether or not it was desirable to have Board of Health in Sydney, for the purpose of deciding questions connected with Quarantine Regulations; but, as it appears that the Health Officer confers with the Medical Adviser of the Government, when he deems a conference with him necessary, they do not recommend at present the establishment of a Board of Health”.

#### **1853/14 COMMITTEE ON BLAKE.S AND MEHAN’S MARRIAGE VOIDING BILL**

*Background* On 10 June 1853/14 William Charles Wentworth moved the suspension of Standing Orders to allow the first reading of a Bill which had previously been known as *Blake’s and Mehan’s Marriage voiding Bill*. The original Bill had been before the Council in the Session of 1852 according to the mover, Wentworth, but had been referred to the Governor so that legal advice could be sought [the compiler of this work does not recollect seeing a report on the matter.] It appears that the effect was to delay consideration of the matter until the 1853 Session. Emmeline Emma Blake, then aged 14 years, was abducted by accomplices of James Mehan, and the couple went through a form of marriage. Emmeline’s father had, in evidence, described her as a “simple girl”. The inference suggests that Emmeline may have been intellectually handicapped, but her own evidence before the Committee two years later (at age 16) gives the impression that she was young for her age, and unaware of the ways of the world (“Did you not understand what a marriage was? No, not then; I do now”) James Mehan had been convicted of the abduction of Emmeline, and was serving three years in Parramatta Gaol; his accomplices Mary Ryan and Mary Oates were also serving sentences of two years. It is not known whether the abduction and marriage to Mehan was intended as a prelude to an attempt to obtain money, but it is hard to find any other reason. The marriage had been solemnized by the Presbyterian Minister James Fullerton who at the time had thought the girl young looking for 17, but was assured by her ‘guardian’ Mary Ryan that she was indeed of age. The situation by 1853, therefore, was that Mehan was safely out of the way in Gaol, but that James Mehan and Emmeline Blake were indeed legally married, although there seems to have been no suggestion that the couple had ever had sexual relations (and indeed at least on the day of the ‘marriage’ there could have been no time or opportunity). Not surprisingly, the girls’ father, Thomas Blake wished to have the marriage declared void: for this the assent by the Council to a private members’ bill was required. Accordingly, Wentworth moved that the proposed Bill be referred to a committee for consideration and report.

*Members of the Committee* William Charles Wentworth; James Martin; Arthur Tod Holroyd; Thomas Ware Smart; Charles Cowper; George Robert Nichols; George Allen.

*Witnesses examined by the Committee* Charles Bethel Lyons, solicitor; Richard Driver, jnr clerk to C B Lyons; Thomas Blake, Emmeline Emma Blake; John Moore Dillon, Criminal Crown Solicitor; John M'Lerie, Superintendent of Police; John Williams, attorney; *Revd* James Fullerton.

*Report of the Committee* Charles Cowper, as chairman of the Committee, tabled its Report and the Minutes of Evidence on 21 July 1853/35. They were printed. The fact that a marriage had legally taken place being evident from the testimony of the several witnesses enabled the Committee to report that they found it unnecessary to make any amendment to the Bill. The Bill had its second reading on 9 August 1853/43, was referred to the Council in Committee, was adopted by the Council on 12 August 1853/46, and had its third reading on 18 August 1853/49 and was *passed* as *An Act to declare void an alleged Marriage between Emmeline Emma Blake, an Infant, and Patrick James Mehan*.

#### **1853/14 COMMITTEE ON THE WENTWORTH GOLD FIELD COMPANY'S BILL**

*Background* On 7 June 1853/11 James Martin sought leave to bring in a *Bill to Incorporate the Wentworth Gold Field Company*. On 10 June 1853/14 Martin moved "that the...Bill be referred to the consideration of a...Committee".

*Members of the Committee* James Martin; Henry Osborne; John Richardson; Henry Hughes; The Auditor General (Francis Lewis Shaw Merewether); Charles Wray Finch; William Thurlow.

*Witness examined by the Committee* John Morris, Secretary to the Wentworth Gold Field Company.

*Report of the Committee* The Committee reported on 26 August 1853/52 that it found no problems with *The Wentworth Gold Field Company's Bill* and therefore proposed no amendments. The Bill had its second reading on 2 September 1852/56 and was considered by the Council in Committee on 13 September 1853/61; it had its third reading on 15 September 1853/63 and was *passed* as *An Act to Incorporate the Wentworth Gold Field Company*.

#### **1853/15 COMMITTEE ON PUBLIC WORKS AND BUILDINGS**

*See also* 1854/4

*Background* On 14 June 1853/15 Arthur Tod Holroyd moved the appointment of a Committee "to inquire into and report upon the propriety of placing the construction, management, and control of the Public Works and Buildings of the Colony, under a Board of Public Works".

*Members of the Committee* Arthur Tod Holroyd; The Colonial Secretary (Edward Deas Thomson); George Barney (Chief Commissioner of Crown Lands); Charles Cowper; James Martin; Arthur Jeffreys; Henry Stuart Russell; James Macarthur; George Robert Nichols; Edward Flood.

*Witnesses examined by the Committee* Edmund Thomas Blacket, Colonial Architect; William Weaver, Clerk of Works in the Colonial Architect's Office; John Frederick Hilly, [private contractor?]; William Randle, Contractor for the works of the Sydney Railway.

*Report of the Committee* The Committee produced a Progress Report which simply stated that "Your Committee not being in a position finally to report on the subject...recommend that [it]...should be resumed in the next Session of the Council, and...that the Evidence...should be printed". On 13 June 1854/4 the Committee was re-appointed with the same membership; on 20 June 1854/7 Thomas Ware Smart and the acting Colonial Secretary (Campbell Drummond Riddell) were appointed in place of Arthur Jeffreys and the former Colonial Secretary (Edward Deas Thomson).

### **1853/19 COMMITTEE ON THE SYDNEY GOLD ESCORT COMPANY'S BILL**

*Background* On 17 June 1853/18 Charles Cowper introduced *A Bill to Incorporate the Sydney Gold Escort Company*. The Bill had its second reading on 21 June 1853/19 when it was referred to a Committee.

*Members of the Committee* Charles Cowper; James William Bligh; Edward Cox; Arthur Tod Holroyd; William Macarthur; The Solicitor General (William Montagu Manning); William Henry Suttor.

*Witness examined by the Committee* George Alfred Lloyd, President of the Sydney Gold Escort Company.

*Report of the Committee* The Committee reported on 19 July 1853/33 that with some amendments the Bill should be agreed to. Both the Report and the Evidence were printed. The Bill had its second reading on 2 August 1853/40 and was further considered by the Council in Committee on 9 August 1853/43 and 11 August 1853/45 when further amendments were agreed to. It had its third reading on 16 August 1853/47 and was passed with the title *An Act to Incorporate The Sydney Gold Escort Company*.

### **1853/19 COMMITTEE ON THE AUSTRALIAN JOINT STOCK BANK BILL**

*Background* On 18 June 1853/18 Charles Cowper introduced *A Bill to Incorporate the Proprietors of a certain Banking Company called the 'Australian Joint Stock Bank', and for other purposes therein mentioned*. On 21 June 1853/19 the Council resolved that the Bill be referred to the consideration and report of a Committee.

*Members of the Committee* Charles Cowper; James Chisholm; Robert Campbell; The Attorney General (John Hubert Plunkett); Alexander Park; Henry Stuart Russell; Alick Osborne.

*Witnesses examined by the Committee* Ashton Boyce Ottley, Manager of the Australian Joint Stock Bank; George Kenyon Holden, solicitor for the Australian Joint Stock Bank.

*Report of the Committee* The Committee reported on 14 July 1853/32 and the Report and Evidence were printed. The Council in Committee considered the Bill on 4 August 1853/42, 9 August 1853/43 and 10 August 1843/44; it had its third reading on 16 August 1853/47 and was *passed*.

## **1853/22 COMMITTEE ON THE BATHURST COPPER MINING COMPANY'S BILL**

*Background* On 21 June 1853/19 James William Bligh introduced *A Bill to Incorporate the Bathurst Copper Mining Company and for other purposes herein named*. On 24 June 1853/22 the Council resolved to appoint a Committee to consider and report on the Bill.

*Members of the Committee* James William Bligh; George Robert Nichols; Arthur Tod Holroyd; John Bayley Darvall; Edward Flood; Charles Wray Finch; Alexander Park; Henry Grattan Douglass.

*Witnesses examined by the Committee* John Morris, Secretary of the Bathurst Copper Mining Company; Randolph John Want, solicitor for the Company.

*Report of the Committee* The Report of the Committee and the Evidence were tabled on 29 July 1853/39 and were printed. The Bill had its second reading on 9 August 1853/43 and it was referred to the Council in Committee which it considered and amended it on 1853/48. The Bill was read a third time on 24 August 1853/51 and was *passed*.

## **1853/23 COMMITTEE ON THE WESLEYAN METHODIST TRUST'S BILL**

*Background* On 21 June 1853/19 Charles Cowper introduced *A Bill to authorize the conveyance of all Lands vested in trustees on behalf of the Wesleyan Methodist Society, by the Trustees thereof, upon the Trusts contained in the Model deed of the said Society*. On 28 June 1853/23, on the motion of Cowper, the Council resolved to appoint a Committee to consider and report on the Bill.

*Members of the Committee* Charles Cowper; William Dumaresq; Edward Flood; Phillip Parker King; George Oakes; John Richardson; Henry Osborne.

*Witness examined by the Committee* George Wigram Allen, attorney for the proposed Bill.

*Report of the Committee* The Committee reported on 19 July 1853/33 and the Report and Evidence were printed. The advice of the Committee was that with an amendment the Bill was satisfactory. The Bill had its second reading on 28 July 1853/38 and was considered by the Council in Committee on the following day 29 July 1853/39. It was read a third time on 3 August 1853/41 and was *passed* as *An Act to authorize the conveyance of all Lands vested in Trustees on behalf of the Wesleyan Methodist Society by the Trustees thereof, upon the Trusts contained in the Model Deed of the said Society*.

## 1853/25 COMMITTEE ON COINS OF THE UNITED KINGDOM

*See also* 1851(2)/21

*Background* On 7 June 1853/11 the Governor by Message laid before the Council a Despatch from the Secretary of State for the Colonies enclosing a Proclamation...for establishing the rate at which the Coins of the United Kingdom shall pass current in this Colony, and limiting the amount at which Silver Coins shall be a legal tender...and His Excellency invites the attention of the Council to the views of Her Majesty's Government on this subject". The Council appointed a Committee for consideration and report on the matter.

*Members of the Committee* James Martin; The Colonial Secretary (Edward Deas Thomson); The Attorney General (John Hubert Plunkett); The Solicitor General (William Montagu Manning); John Bayley Darvall; William Charles Wentworth; George Robert Nichols; Arthur Tod Holroyd; Edward Broadhurst; James William Bligh.

*Report of the Committee* The Committee reported on 15 September 1853/63: no witnesses had been called. The Committee said that in its view it was unnecessary for the Governor the publish the Proclamation in respect of legal tender, since the provisions of an Act of [the British] Parliament, (the 11th and 12th sections of 56 Geo III cap. 68) "which make Gold Coin the only legal tender in all payments above forty shillings in Great Britain and Ireland have been in force since the New South Wales Act...came into operation...your Committee do not think that Her Majesty has any power, by Proclamation, to dispose of it...any alteration of the law of tender can now be made by legislative enactment only...[but] it would be desirable for your Honorable House to pass an Act declaring the law of tender...Your Committee entirely concur in the propriety of the law which makes gold the only legal tender above forty shillings, and think that much injury would have been averted from the producing interests of the Colony had that law been always generally understood and acted on". As to the proposed establishment of a Mint, "although... [it] will entail a considerable outlay, yet, were the entire cost of it to be borne by the public funds, the advantages which he country would derive from it would far outweigh any consideration of expense...[however] as the Mint...will be a branch of the Royal Mint—and as the coins proposed to be stamped in it will be of the same weight, fineness, and value as the British Coin---such coin is not proposed to be made a legal tender in the Mother Country as well as in the Australian Colonies".

## 1853/26 COMMITTEE ON THE CLAIM OF WILLIAM BROOKS

*See also* 1854/2

*Background* On 1 July 1853/26 George Robert Nichols moved the appointment of a Committee "to take into consideration the claim of Mr William Brooks to an additional grant of land". Following the appointment of the Committee, the Council, on the motion of Nichols, requested the Governor General (Fitz Roy) to provide all the correspondence relating to this claim. On 30 September 1853/72 the Colonial Secretary tabled the papers which were referred to the Committee.

*Members of the Committee* George Robert Nichols; John Dobie; Alexander Park; The Colonial Treasurer (Campbell Drummond Riddell); George Allen; Thomas Barker.

*Report of the Committee* The Committee had not reported by the time the Council was prorogued on 22 December 1853/87. The Committee was re-appointed on 7 June 1854/2 and reported on 21 November 1854/87 for which *see below*.

## **1853/30 COMMITTEE ON THE DEFENCES OF PORT JACKSON**

*See also* 1854/8

*Background* On 12 July 1853/30 Henry Grattan Douglass moved the appointment of a Committee “to take into consideration and report upon the most advisable means to place the Harbour of Port Jackson in a proper state of defence”.

*Members of the Committee* George Barney (Lieutenant Colonel and Chief Commissioner of Crown Lands); Phillip Parker King (Captain); John George Nathaniel Gibbes (Lieutenant Colonel and Collector of Customs); William Bradley; William Dumaresq (Captain); Charles Wray Finch (Captain); Arthur Jeffreys.

*Report of the Committee* The Committee reported on 21 September 1843/66. The Report was printed; no formal evidence from witnesses was taken, but the Report refers to opinions given by Captain Denham, R.N., and Lieutenant-Colonel Bloomfield, Commander of the 11th Regiment stationed in Sydney. The Committee advised the Council “that it is highly expedient to fortify the entrance to the Harbour of Port Jackson with all convenient speed, as well by fixed as by floating Batteries. The former should be...erected on, the sites known as the ‘Inner South Head’, ‘Middle Head’, and ‘George’s Head’. These points have already been laid down as desirable in a Report...to the Governor General by [Colonel Gordon] the Officer commanding the Royal Engineers in the Colony, dated March 9th 1847...[and in another Report by him] dated 23rd November 1848, as being in accordance with the views of Lieutenant-General Sir John Burgoyne, the Inspector General of Fortifications, in whose office plans of the several points...along...the Harbour of Port Jackson are deposited.” The Committee also reminded the Council of the “offer made by the Secretary of State...dated 21st June 1850—to send out a Detachment of Sappers and Miners, without the expense of transport, provided the Colony would supply the amount required for their ordinary pay, and the working pay to which they would be entitled...No time should be lost in [requesting] the Home Government...to furnish the necessary armament for the proposed works”. Captain Denham had advocated a floating “Steam Screw Block Ship”, heavily armed and fully manned and the Committee concurred in this recommendation. It also reminded the Council that “When this subject was brought under the notice of the House on a former occasion, it was objected that it was incumbent on the Imperial Government to find the necessary means for the defence of the Harbour, particularly as a great proportion of the Revenue of the Colony, which ought properly to have been within the control of the people, had been withheld from them...but as the Home Government now declares its intention of placing every branch of Revenue...under the control of Your Honorable House...the maintenance of those persons engaged in the erecting and maintaining the necessary defences of the entrance to the Harbor of the Metropolitan City of Australia should be borne by the Colony...[but] your Committee have every confidence in the Imperial Government placing fully at the disposal of the

proper authorities, a Block Ship such as has been described, together with the necessary guns for the Batteries, and the expense of transfer of the artificers, upon the declaration of Your Honorable House that the cost of maintaining them in efficiency would be defrayed by the Colonial Government.” The Council considered the Report on 27 September 1853/69 but a proposal that it be referred to the Governor General for implementation was withdrawn. The reason is unclear, but it was the day when the Estimates for 1853/54 were under consideration. The Minutes of the Executive Council of 28 September 1853 and 3 October 1853, contained Message no. 49 from the Governor date 4 October 1853 and received by the Council on 4 October 1853/73 show that a copy of the Committee’s Report had in fact reached the Governor, but that the Report “had not been affirmed by the Council; but in lieu thereof a very general desire was expressed by individual Members...that some specific proposition should be made by the Government...The [Executive] Council thereupon record their opinion that immediate steps should be taken for the construction of works of defence...[together with the setting up of] temporary sand batteries, capable of mounting six or eight guns each should at once be thrown up on the Inner South Head and Middle Head”. The Legislative Council considered the Governor’s Message on 7 October 1853/75 and informed the Governor General of its resolution that “it is expedient to adopt the several propositions ...contained in the Minute of the Executive Council...and requesting His Excellency to adopt the necessary measures for giving effect to the same”.

**1853/32 COMMITTEE ON THE KIAMA STEAM NAVIGATION COMPANY’S BILL**

*Background* On 12 July 1853/30 Charles Cowper introduced *A Bill to Incorporate the Proprietors of a certain Company called ‘The Kiama Steam Navigation Company’ and for other purposes herein mentioned.* The Bill had its second reading on 14 July 1853/32 and was referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; Phillip Parker King; Henry Osborne; James William Bligh; George Barney (Commissioner of Crown Lands); The Attorney General (John Hubert Plunkett) James Macarthur; John Dobie.

*Witnesses examined by the Committee* William Buyers, merchant and shareholder in the Company; John Carew, solicitor; Arthur Piddocke Tompson.

*Report of the Committee* The Committee reported on 7 September 1853/58 and the Report and Evidence were printed. The Committee advised the Council that the Bill should be approved with some amendments.

**1853/32 COMMITTEE ON THE BALMAIN STEAM FERRY COMPANY’S BILL**

*Background* On 12 July 1853/30 Charles Cowper introduced *A Bill to Incorporate the Proprietors of a certain Company called ‘The Balmain Steam Ferry Company’, and for other purposes therein mentioned.* The Bill was referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; George Allen; Thomas Barker; George Barney (Commissioner for Crown Lands); James William Bligh; William Dumaresq; Phillip Parker King.

*Witnesses examined by the Committee* James Hugh Palmer, Director and Secretary of the Company; William Russell, solicitor for the Company.

*Report of the Committee* The Committee reported on 18 August 1853/32, and the Report and Evidence were printed. The Committee advised the Council that the Bill should be approved with some amendments. The Bill was considered by the Council in Committee on 26 August 1853/52, and was read a third time on 2 September 1853/56 and was *passed*.

### **1853/49 COMMITTEE ON THE OPHIR COPPER MINING COMPANY'S BILL**

*Background* On 16 August 1853/47 James William Bligh introduced *A Bill to incorporate the Ophir Copper Mining Company, and for other purposes herein named*. On 18 August 1853/49 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* James William Bligh; Alexander Park; Arthur Tod Holroyd; Edward Flood; Henry Stuart Russell; John Richardson; The Attorney General (John Hubert Plunkett).

*Witness examined by the Committee* George Pusey, Secretary to the Company.

*Report of the Committee* The Committee reported on 9 September 1845/60 and the Report and Evidence were printed. The Committee advised the Council that the Bill should be approved with some amendments.

### **1853/53 COMMITTEE ON THE HUNTER RIVER RAILWAY COMPANY'S BILL**

*Background* On 26 August 1853/52 James Martin *introduced A Bill to establish and Incorporate a Company to be called "The Hunter River Railway Company"*. On 30 August 1853/53 the Council referred it to a Committee for consideration and report.

*Members of the Committee* James Martin; William Dumaresq; George Barney (Chief Commissioner of Crown Lands); The Solicitor General (William Montagu Manning); Augustus Morris; Phillip Parker King.

*Witnesses examined by the Committee* [William Barker appeared as solicitor for the Bill]; Michael Metcalfe, Custom House agent; James Sutherland Mitchell, Secretary to the Company.

*Report of the Committee* The Committee reported on 15 September 1853/63 and the Report and Evidence were printed. The Committee advised the Council that the Bill should be approved with some amendments.

## 1853/53 COMMITTEE ON THE BURWOOD TRAMROAD BILL

*See also* 1850/36

*Background* On 26 August 1853/52 Charles Cowper introduced *A Bill further to amend the act to authorize the continuation of 'a Tramroad from Burwood to the Wharf at Newcastle'*. This was James Mitchell's tramroad from his Burwood mine to the Wharf for which approval had been given on 28 August 1850/36. The Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; George Allen; George Bowman; James William Bligh; George Robert Nichols; The Attorney General (John Hubert Plunkett); Edward Flood; Henry Grattan Douglass

*Witnesses examined by the Committee* [George Kenyon Holden appeared as solicitor for the Bill]; William Donaldson, employed by James Mitchell in the construction of the tramroad.

*Report of the Committee* The Committee reported on 13 September 1853/61 and the Report and Evidence were printed. The Committee advised the Council that the tramroad had not been completed because of the difficult of obtaining labour, and that consequently it was appropriate for the Bill to be approved to allow for an extension of time to two years; it also recommended "that the Title of the Bill be simplified...[as] *A Bill further to extend the time for completing a Tramroad from Burwood to the Wharf at Newcastle'*". On 23 August 1854/39 James Martin presented a Petition from Marcus Freeman Brownrigg, Attorney and Agent for the Australian Agricultural Company "representing certain informalities in the presentation of the Petition praying leave, and praying that the Bill may not be further proceeded with, or that the Company be heard by Counsel, at the Bar, or before the Select Committee". Martin then moved that the whole of the matters be referred to the Standing Orders Committee for inquiry and report. The Standing Orders Committee reported on the 25 August 1854/41 that they "are of opinion that the Standing Orders have not been complied with, inasmuch as there had been no sufficient notice given of the intention to apply for the Bill actually introduced; and they accordingly recommend that all Votes and Proceedings that had been taken upon the presentation of the said Petition and upon the introduction of the said Bill, be rescinded". The Council then voted as recommended.

## 1853/59 COMMITTEE ON THE AUSTRALASIAN COAL MINING COMPANY'S BILL

*Background* On 6 September 1853/57 Charles Cowper introduced *A Bill to Incorporate a Company called the Australasian Coal Mining Company, and for other purposes therein mentioned*. On 8 September 1853/59 the Council referred to Bill to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; William Dumaresq; Charles Wray Finch; Edward Flood; Phillip Parker King; The Solicitor General (William Montagu Manning); Augustus Morris; Alexander Park.

*Witness examined by the Committee* George Kenyon Holden, solicitor for the Company.

*Report of the Committee* the Committee reported on 21 September 1853/66 and the Report and Evidence were printed. The Committee advised the Council that, with some amendments, including striking out clauses referring to the intended railway operations of the Company as being inappropriate to an Act incorporating a coal mining company, the Bill should be approved. After consideration by the Council in Committee, the Bill was *passed* on 30 September 1853/72.

### **1853/61 COMMITTEE ON THE NEW SOUTH WALES COAL AND INTER-COLONIAL STEAM NAVIGATION COMPANY'S BILL**

*Background* On 8 September 1853/59 Charles Cowper introduced *A Bill to Incorporate the New South Wales Coal and Inter-colonial Steam Navigation Company*. On 13 September 1853/61 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; Edward Cox; Henry Grattan Douglass; Edward Flood; Phillip Parker King; Augustus Morris; George Robert Nichols; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* George Alfred Lloyd, member of the Committee to Obtain an Act of Incorporation; George Wigram Allen, solicitor for the Bill.

*Report of the Committee* The Committee reported on 27 September 1853/69 and the Report and Evidence were printed. The Committee advised the Council that the Bill should be approved. The Council in Committee considered the Bill on 30 September 1853/72 and it was *passed* on 4 October 1853/73.

### **1853/63 COMMITTEE ON THE UNIVERSAL EXHIBITION, PARIS, 1855**

*Background* On 15 September 1853, on the motion of the Colonial Secretary (Edward Deas Thomson), the Council resolved to appoint a Committee “to suggest and report the proper measures to be adopted for facilitating the transmission to France of any articles, the produce or manufacture of this Colony, intended for the Universal Exhibition to be held at Paris, in May, 1855”.

*Members of the Committee* The Colonial Secretary (Edward Deas Thomson); George M'Leay; William Macarthur; Henry Grattan Douglass; Phillip Parker King; Terence Aubrey Murray; George Robert Nichols.

*Report of the Committee* The Committee reported on 9 December 1853/80 and in its report, which was printed, recommended the appointment of a Commission “to devise and carry out the details necessary for the successful accomplishment of the object in view...That it be an instruction to the Commission to collect and receive...objects which it may be considered desirable...determine upon their eligibility, and reject such as may seem inappropriate...to make due provision for their safe conveyance to Paris as well as for their being properly exhibited...to appoint paid Collectors to procure such objects as

cannot be reasonably obtained from private persons...that the Trustees of the Museum be requested to aid the Commission by their personal assistance, as well as by the supply of duplicate specimens of natural history...that the Governor General be requested to place upon the Supplementary Estimate for 1854 a sum not exceeding £3,000 for the purpose of carrying out the design in the most efficient manner...[and significantly, the Committee] would strongly urge their fellow Colonists to exert themselves in order that...the senior Colony of the Australian Group may be placed in that position which from the meagre display of its productions, it failed to occupy at the Great Exhibition in London of 1851". On 13 December 1853/81 the Council by address requested the Governor General "to adopt the proper measures for giving effect to the recommendations".

### **1853/68 COMMITTEE ON THE MELBOURNE SYDNEY AND ADELAIDE CHARTERED BANK BILL**

*Background* On 21 September 1853/66 William Charles Wentworth introduced *A Bill to Incorporate the Melbourne, Sydney and Adelaide Chartered Bank, and for other purposes herein mentioned*. On 23 September 1853/68 the Council resolved that the Bill be referred to a Committee for consideration and report.

*Members of the Committee* William Charles Wentworth; Arthur Tod Holroyd; William Dumaresq; Augustus Morris; Edward Flood; James William Bligh; Alexander Park.

*Witness examined by the Committee* [John Dunsmure appeared as solicitor for the Bill]; John Reid Mackenzie, Manager of the Bank.

*Report of the Committee* The Committee reported on 28 September 1853/70 and the Report and Evidence were printed. The Committee advised the Council that the Bill should be approved with amendments.

### **1853/69 COMMITTEE ON THE SYDNEY DRY DOCK COMPANY'S BILL**

*Background* On 23 September 1853/68 William Charles Wentworth introduced *A Bill to Incorporate the Sydney Dry Dock Company*. The Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* William Charles Wentworth; Arthur Tod Holroyd; William Dumaresq; Augustus Morris; Edward Flood; Alexander Park; The Solicitor General (William Montagu Manning).

*Witnesses examined by the Committee* Charles Lowe, solicitor for the Company; Michael Metcalfe, shareholder and provisional Director of the Company.

*Report of the Committee* The Committee reported on 30 September 1853/72 and the Report and Evidence were printed. The Committee, having made extensive amendments to the Bill, tabled the new version which was considered by the Council in Committee on 5 October 1853/74. The Bill was *passed* on 7 October 1853/75 as *An Act to Incorporate the 'Sydney Dry Dock Company', and for other purposes therein mentioned*

**1853/69 COMMITTEE ON THE AUSTRALIAN SUBSCRIPTION LIBRARY BILL**

*Background* On 27 September 1853/69 Charles Cowper introduced *A Bill to Incorporate the Australian Subscription Library and otherwise to alter and amend its Constitution*. The Council referred to Bill to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; George Allen; Robert Campbell; The Postmaster General (William Harvie Christie); Henry Grattan Douglass; Arthur Jeffreys; Phillip Parker King; Arthur Tod Holroyd; James Martin.

*Witnesses examined by the Committee* George Miller, Treasurer of the Australian Subscription Library; Revd Dr Robert Ross, Secretary to the Australian Subscription Library; Gilbert Wright, solicitor for the Bill

*Report of the Committee* The Committee reported on 30 September 1853/72 and the Report and Evidence were printed. The Bill was considered by the Council in Committee on 4 October 1853/73 and was *passed* on 7 October 1853/75.

**1853/72 COMMITTEE ON THE NEWCASTLE COAL AND COPPER MINING COMPANY'S BILL**

*Background* On 28 September 1853/70 Charles Cowper introduced *A Bill to Incorporate the Newcastle Coal and Copper Mining Company, and for other purposes therein mentioned*. On 30 September 1853/72 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; George Allen; The Chief Commissioner of Crown Lands (George Barney); Arthur Jeffreys; Henry Grattan Douglass; Edward Flood; George Robert Nichols; The Attorney General (John Hubert Plunkett); Alexander Park.

*Witnesses examined by the Committee* George Kenyon Holden, solicitor for the Company; Arthur Reynolds Huntley, acting Secretary of the Company.

*Report of the Committee* The Committee reported on 5 October 1853/74 and the Report and Evidence were printed. The Bill had its second reading on 7 October 1853/75, was considered by the Council in Committee, was passed on 11 October 1853/76 as *An Act to Incorporate the Newcastle Coal and Copper Company*.

## ***Sessions of 1854***

*A note on the two Sessions of 1854: The Council had been prorogued by the Governor at the close of the 1863 Session on 22 December 1853/87 to resume on 7 February 1854. It was not, however, called together on that date. On 2 March 1854 it was further prorogued by the Governor General (Fitz Roy) until 9 May 1854. When the Council did meet on that day the acting Colonial Secretary (Campbell Drummond Riddell, who had succeeded Edward Deas Thomson on 26 January 1854, informed the Council that Fitz Roy had unexpectedly not yet returned from his visit to the Northern Settlements: after some discussion the Council was adjourned until 16 May 1854 when a Message (No. 1) from the Governor General was read, which reassured the Council that “it would appear that the accounts which have reached the Colony with respect to the strength of the Russian Naval force in the East Indian Seas have been much exaggerated...[there is] reason to believe that only one ship of War belonging to that Nation is stationed [in the Pacific]...while it is well known that the British and French Squadrons in that vicinity are of considerable strength”. The Council was then prorogued to 6 June 1854. The two sitting days of the first Session of 1854 were according to the usual practice numbered 1 and 2. When the second Session commenced on 6 June 1854 it was again numbered 1, but since no Select Committees had been appointed during the first Session except the one to prepare and Address in Reply it seems convenient in the present instance to avoid the cumbersome practice (used of necessity elsewhere in the present compilation) of ‘[date]1854(1)/1 and [date][1854(2)/1’. Thus the first sitting day of the second Session is ‘6 June 1854/1’.*

### **1854/1            COMMITTEE ON THE ADDRESS IN REPLY TO THE GOVERNOR’S SPEECH**

*Background* In accordance with normal practice the Governor General, (Sir Charles Augustus Fitz Roy) opened the Session on 6 June 1854/1 with a speech. Following this the Council appointed a Committee to prepare an Address in Reply.

*Members of the Committee* The Colonial Secretary (Campbell Drummond Riddell, acting); The Solicitor General (William Montagu Manning); James Macarthur; James Martin; George Robert Nichols; Henry Parkes; George Allen; John Bayley Darvall; Augustus Morris.

*Report of the Committee* On the same day, after the departure of the Governor General, a draft of the proposed Address was tabled. It was noted that the defence works which had been commenced during 1853 were well advanced and that the Colony could “rely upon being able to repel any predatory attack that may be attempted by Privateers or Armed Vessels sailing under a hostile flag” and that a more serious attack “will be frustrated by the vigilance of the French and British Naval Forces now on the Pacific and Indian Stations”. The Council would “carefully consider [the Governor’s proposal]...for the formation of Volunteer Corps, Naval as well as Military”. There was “much satisfaction in learning that the public finances, and of the country continue in a prosperous state”. Immigration and Railway and road communication would be immediately considered. Public health and the protection from fire of the City would receive attention. After debate the draft Address was adopted and arrangements were made for it to be presented to the Governor General later in the week.

**1854/1 COMMITTEE ON ELECTIONS AND QUALIFICATIONS**

*See also 1852(2/8), 1854/8*

*Members of the Committee for 1854* George Allen; James William Bligh; James Chisholm; Phillip Parker King; James Macarthur; William Montagu Manning (Solicitor General); John Bayley Darvall.

**1854/2 STANDING ORDERS COMMITTEE**

*Members of the Committee for 1854* The Speaker (Sir Charles Nicholson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; James Macarthur; George Robert Nichols; Charles Cowper; Edward Broadhurst; Arthur Tod Holroyd; James Martin.

**1854/2 LIBRARY COMMITTEE**

*Members of the Committee for 1854* The Speaker (Sir Charles Nicholson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; James Macarthur; Phillip Parker King; George Robert Nichols; Terence Aubrey Murray; Arthur Tod Holroyd; James Martin.

**1854/2 COMMITTEE ON THE CLAIM OF WILLIAM BROOKS (re-appointed), AND ALSO THAT OF WILLIAM DUMARESQ**

*See also 1853/26*

*Background* For the basis of Brooks' claim *see above* 1853/26. The matter had not been resolved by the end of the 1853 Session and the Committee was re-appointed.

*Members of the Committee* John Dobie; Charles Cowper; Alexander Park; The Colonial Treasurer (Francis Lewis Shaw Merewether); George Allen; Thomas Barker.

*Report of the Committee* On 14 June 1854/5 the Council resolved that "the Evidence taken before the Committee on the claim of Mr William Brooks to an additional Grant of Land be printed and referred to the Committee..." On 22 August 1854/38 a Progress Report was tabled. This showed that "prior to his leaving England in...1826, Mr Brooks applied to the Secretary of State for the Colonies...for information relative to the terms and conditions under which he would be entitled to a Grant of Land in New South Wales, in proportion to the amount of capital he was prepared to expend upon its improvement." He received a letter containing the regulations relating to land grants in the Colony "with an intimation that...[they] were the only documents he would require...to enable him to establish his claim to a Grant of Land in New South Wales...On his arrival...Mr Brooks was informed by Governor Darling that the regulations he had received from the Colonial Office were obsolete, and that other regulations were in force...Subsequently...after some delay, Mr Brooks obtained a Grant of three sections of land, and expended such an amount of money on its improvement as entitled him under

the Regulations...to a second Grant...[but] it was refused by Sir George Gipps, and though that refusal was confirmed by successive Secretaries of State, Mr Brooks never abandoned his claim. Considering that the letter and Regulations furnished by Earl Bathurst to Mr Brooks were intended bona fide to enable him to acquire land under the conditions contained therein, the Committee are of opinion that it was the duty of the local Government to have treated Mr Brooks' claim under these conditions, and recommend that he shall now receive such compensation in land as shall meet the justice of the case." On 30 November 1854/93 the Committee tabled a Second Progress Report on the similar case of William Dumaresq who had also not been granted land promised to him by Governor Darling in 1831; the Committee recommended that it be re-appointed in the next Session. The claim of William Brooks did not go away, however; on 9 August 1855/33, the Governor General (Denison), by Message no. 45, informed the Council of a Despatch from the Secretary of State saying that "while he sees no reason to differ from the conclusions...which have been repeatedly adopted by former Secretaries of State, alludes to the authority over the Waste Lands of the Colony which will, in a short time, be vested in the local Legislature, by which it will be enabled to adjudicate, at once, upon Mr Brooks' claim, as well as upon those of any other person similarly circumstanced".

### 1854/3 COMMITTEE ON DESTITUTE CHILDREN

*See also* 1852/29, 1853/3, 1854/94,

*Background* On the motion of James Martin, the Council reappointed the Committee of 17 May 1853/3. For the progress through that and this later Committee *see above* 1853/3. A Progress Report tabled on 1 December 1854/94 was printed.

*Members of the Committee* [All the members of the 1853 Committee were reappointed] Francis Lewis Shaw Merewether (Colonial Treasurer); Charles Cowper; Augustus Morris; John Dobie; William Henry Suttor; George McLeay; Phillip Parker King; Henry Grattan Douglass; George Allen.

*Witnesses examined by the Committee* John McLerie, Superintendent of Police for the City of Sydney; James Sheen Dowling, Police Magistrate of Sydney; William Holmes, an Inspector in the Sydney Police; Inspector Singleton, of the Sydney Police; Jeremiah Higgins, an Inspector in the Sydney Police; Patrick Connor, an Inspector in the Sydney Police; John Edhouse, Master of the Institution for Destitute Children; *Revd* Alfred H Stephen, a member of the Committee of the Destitute Children's Asylum [sic]; *Sir* Alfred Stephen, Chief Justice; John Edward Newell Bull, Visiting Magistrate and Superintendent of the Breakwater at Newcastle; John Layton, Master of the Asylum for Destitute Children; Edmund Thomas Blacket, Colonial Architect. [In addition to the direct evidence from the above witnesses which was printed and available to the Select Committee, written replies to a Circular Letter addressed to Chief Constables were received from George Wood (Maitland); J Holt (Newcastle); John Ryan (Parramatta); Angus Nicholson, (Campbelltown); W Hobbs (Windsor); John Sherman (Bathurst); William Sadleir (Liverpool).]

*Report of the Committee* A Progress Report was tabled on 1 December 1854/94 and was printed, with the Evidence. The Committee advised the Council "That they have not examined any witnesses during the present Session [although it should be noted that

some of the witnesses examined in 1852 were further examined in 1853] nor have they adopted any proceedings in the further prosecution of the inquiry entrusted to them. The Council is aware that a Society is already in existence, called ‘The Asylum for Destitute Children’, to which aid has now for successive Sessions been voted by the Legislature...The Managing Committee seem to be conducting the Institution with energy and efficiency...it may be a question...whether that Society should not be incorporated and established upon a permanent foundation” Generous donations had been made by the late Dr Cuthill and Miss Catherine Hayes. “Your Committee have, therefore, considered it desirable, upon the whole, that a final Report...should be deferred until another year, when the experiment now being tried will be more fully proved, and the materials had available for maturing a more perfect measure than are now in the hands of the Committee [of the Asylum]”. The 1855 Session, again on the motion of James Martin, appointed a Committee on 7 June 1855/3 to further inquire into and report on the matter, but that Committee in a Progress Report tabled on 19 December 1855//104 advised the Council that the matter should be left to the new Parliament.

#### **1854/4            COMMITTEE ON LAND RESERVES FOR PUBLIC RECREATION**

*See also* 1853/10

*Background* On 31 May 1853/10 the Council had appointed a Committee “to inquire into and report upon the propriety of recommending to His Excellency the Governor General the reservation of certain unappropriated Lands in and near the City of Sydney and its suburbs, as places set apart for the public recreation of the inhabitants of Sydney and its suburbs”. On 15 December 1853/83 the Committee had tabled a Progress Report but recommended that it be reappointed in the next Session. The Evidence taken to that date was printed. The Committee was duly re-appointed on 13 June 1854/4.

*Members of the re-appointed Committee* Arthur Tod Holroyd; James Martin; Augustus Morris; William Thurlow; Charles Cowper; Francis Lewis Shaw Merewether; James Macarthur; George Robert Nichols.

*Witness examined by the re-appointed Committee* Thomas Livingston Mitchell, Surveyor General.

*Report of the Committee* The Committee reported on 21 November 1854/87 and its Report and the Evidence were printed. The Committee noted that from the Evidence of the Surveyor General that “the present lands actually appropriated for public recreation and Sydney and the Suburbs are Hyde Park and what he considers to be a portion of Hyde Park, viz., that part between the Woolloomooloo Estate, William Street, and the lands of St Mary’s Cathedral, the whole of the Domain to Farm Cove and Woolloomooloo Bay, as now enclosed, Wynyard Square, between Margaret-Street and Wynyard-Street, a small triangular portion in Macquarie Place, a small spot in Argyle-Street under the Battery, the land around the Court House at Darlinghurst Gaol, a small green patch adjacent to Victoria-Street, between that and the street round the New Gaol, and recently the lands at Grose Farm which have not been set apart for the University of Sydney...the late Mr Daniel Cooper [had made at his own expense, roads intended for public use] through the Point Piper Estate, [mainly] the New South Head Road, by Double Bay, round Rose Bay,

and thence to the Light House". Mr Cooper's roads, however, were not fenced and his land was open to trespass; the Committee suggested that the fencing might be done at public expense, "the expense...if incurred, would give these reserves to the public. Your Committee also recommend that the vacant land near the Haymarket, the Inner South Head, Cape Banks, the extremity of the headland between Sydney and Botany Bay...and [the land] near the Lachlan Swamp...should also be reserved as places for public recreation and amusement". The Council adopted the Report on 28 November 1854/91, and resolved that it be presented to the Governor General with a request that the recommendations be carried into effect.

#### **1854/4 COMMITTEE ON THE PROPOSED BOARD OF PUBLIC WORKS**

*See also* 1853/15

*Background* On 13 June 1854/4 Arthur Tod Holroyd moved the re-appointment of the Committee appointed on 14 June 1853/15 "to inquire into and report upon the propriety of placing the construction, management, and control of the public works and buildings of the Colony, under a Board of Public Works". The 1853 Committee had produced a brief report, and this and the whole of the Evidence taken were printed. For the names of the witnesses previously examined *see above* 1853/15. The 1854 Committee did not examine any further witnesses.

*Members of the Committee* George Barney; Charles Cowper; James Martin; Henry Stuart Russell; George Robert Nichols; Edward Flood.

*Report of the Committee* The Committee's Final Report was tabled on 21 November 1854/87 and was printed. "The attention of your Committee has been especially drawn to the large number of Public Works constantly in progress...and the delay which has been inseparable from the total absence of all system in carrying them out; your Committee...propose an arrangement by which...the following objects would be attained viz., quickness of operation, reduction in price, a more perfect superintendence, greater stability of structure, and greater chasteness in the design of works of magnitude...these objects...cannot be accomplished by the present staff in the department of the Colonial Architect...as works requiring Engineering as well as Architectural knowledge will be required to be carried out by the Government, your Committee have come to the conclusion that the time has now arrived when the Engineering works of the Colony (not excepting the roads) should be placed under a branch department, with a Civil Engineer at its head...for the purpose of facilitating operations...both branches—the Architectural and Engineering—should be placed under the absolute control of a Commissioner of Public Works, who should have a seat in your Honorable House—vacating his appointment on a change of Ministry—and who, from his position, would be able at all times to afford information to the House regarding the Public Works in progress in both branches...your Committee would recommend the maintenance of an effective Central Staff in Sydney, and the appointment of Local Officers to Superintend Works in the Country Districts...But to render the system which your Committee propose as perfect as possible, your Committee would earnestly press upon the House the advantages which would arise...by throwing the designing of all large Public Buildings and Engineering Works open to the competition of Architects and Engineers unconnected with the Government...the successful competitor should...have the management of the work

subject to the approval of the Commissioner...and receive the usual commission...the Buildings and other Works being open to competition would, by exciting professional emulation, draw out talent which would furnish chaste, elegant, and classical designs.” The Report of the Committee was debated on 28 November 1854/91 and again on 30 November 1854/93, when it was resolved “That a Copy of the Report...be transmitted to the Governor General, with a request that His Excellency will take the Report into his favourable consideration, and adopt, as early as may be convenient, the measures necessary for the establishment of a Department of Public Works...on the principles therein recommended.”

## 1854/8 COMMITTEE ON INTEMPERANCE

*See also* 1855/13

*Background* Excessive consumption of spirits leading to intemperance (or drunkenness) had been a matter of concern since the very early days of the Colony. Whether it had become significantly worse by 1854 is difficult to determine, but it was certainly an issue which many felt must be addressed without delay. For instance, in February 1854 the Bench of Magistrates in Bombala had petitioned the Colonial Secretary to cancel the licences for the wholesale supply of spirits in the tiny village where out of 19 houses, 7 were registered as wholesalers. The Bench believed that most instances spirits were in fact being sold in smaller retail quantities. This was almost certainly not an isolated case, and during 1854 a considerable number of petitions were received by the Council, most of which asserted that the problem of intemperance stemmed from the provisions of the existing licensing system. On 21 June 1854/8 Charles Cowper proposed the appointment of a Committee “to inquire into the cause of the alarming increase of Intemperance in the Colony, and to report what remedies can be applied for this growing evil”.

*Members of the Committee* Charles Cowper; The Attorney General (John Hubert Plunkett); Matthew Henry Marsh; John Dobie; Terence Aubrey Murray; The Inspector General of Police (William Colburn Mayne); Phillip Parker King; Henry Grattan Douglass; Henry Parkes.

*Witnesses examined by the Committee* James Sheen Dowling, Police Magistrate; Richard Greenup, Medical Officer of the four Government establishments at Parramatta; Francis Campbell, Superintendent of the Lunatic Asylum at Tarban Creek; John M’Lerie, Metropolitan Superintendent of Police; *Revd* John M’Enroe, Roman Catholic Archdeacon; *Revd* Robert Weguelin Vanderkiste, Wesleyan Methodist Minister; Sydney Hudson Darby; *Revd* Alfred H Stephen, Church of England clergyman; *Revd* John Joseph Therry, priest in the Roman Catholic Church; *Revd* William Binnington Boyce, General superintendent of the Wesleyan Church; *Revd* John Woolley, President of the Sydney University; James Hartwell Williams, American Consul; John Yates Rutter, Medical Officer to the Sydney Police Force; *Sir* Alfred Stephen, Chief Justice; Isaac Aaron, medical practitioner; James Singleton, an Inspector of the Sydney Police; Henry Garvin, an Inspector of the Sydney Police; Richard Sadleir, President of a Society formed for the suppression of intemperance in the Colony; *Revd* Joseph Beazley, minister of religion; Nathaniel Pigeon, Wesleyan missionary; James Vickery, member of the Total Abstinence Committee, and a signatory to the Petition presented to the Legislative Council; William Kellet, a cooper; Charles Henry Green, Gold Commissioner for the Western District.

*Report of the Committee* A Progress Report was tabled on 10 November 1854/83 and it and the Minutes of Evidence were printed. The Committee advised the Council that it should “postpone the adoption of any resolutions founded upon this evidence, until the public should have had an opportunity of becoming acquainted with their proceedings, and until the various suggestions made for arresting the progress of Intemperance, and its ruinous consequences, have been subject to general discussion”. The Committee also observed that the Imperial Parliament had appointed a similar Committee in 1853, and although that Committee had reported to Parliament the full Report was not yet available in the Colony. If that Report had resulted in the passing of an Act of Parliament, a copy of that Act “should be in the possession of the Council, previously to the preparation of any Colonial Enactment for amending the existing laws relating to the Licensing of Public Houses and the Sale of Fermented and Spirituous Liquors”. The Committee “recommend[ed] their re-appointment next year, to complete the duty which they have found to be of too grave a character to be satisfactorily discharged during the short period of one session”.

**1854/8 COMMITTEE ON ELECTIONS AND QUALIFICATIONS, ON THE VALIDITY OF THE ELECTION FOR THE SEAT OF STANLEY**

*Background* From time to time doubts had arisen about the validity of elections or the qualifications of Members. It seems probable that the Council dealt with these on an ad hoc basis, as it had with the disputed election of James Martin in 1849 (for the Select Committee which investigated this *see above* 1849/8); by October 1851 it became practice to elect a standing Committee on Elections and Qualifications. On 6 June 1853/1 the Committee was formally appointed but seems to have had no business to attend to, but a year later the Committee certainly did. On 20 June 1854/7 “The Speaker having reported that he had this day received a Petition from John Dunmore Lang...complaining that the sitting Member for...the County of Stanley had been unduly returned instead of himself to serve in the Council as Member for the said Electoral District of Stanley in room of John Richardson, resigned.” On the motion of James Martin on 20 June 1854/7 the Petition was referred to the Committee on Elections and Qualifications, and on 21 June 1854/8 Charles Cowper moved “That the Committee...be directed to inquire into all the matters connected with the appointment of Thomas Prior...to be the Returning Officer for the Electoral District of Stanley, in lieu of David Cannon McConnell...and to report whether such appointment was regularly made...” On 22 June 1854/9 a supplementary Petition from Lang was referred to the Committee.

*Members of the Committee* George Allen; James William Bligh; James Chisholm; Phillip Parker King; James Macarthur; Edward Broadhurst (appointed in the place of William Montagu Manning, *for which see below*); John Bayley Darvall.

*Report of the Committee* The Report of the Committee was tabled on 4 July 1854/14. The Committee had met on 22 June 1854/8. William Montagu Manning had submitted his resignation from the Committee to the Speaker, who then appointed Edward Broadhurst in his place. The Proceedings of the Committee which sat on 22, 24, 28 June and 1, 4 July, were printed. They show that Manning who as Solicitor General at the first meeting of the Committee had “stated...that this was the first time he had heard the Petition read; that he found it contained complaints of an undue interference on the part of Government with the course of the Election; and that, therefore, as a member of the

Government, and as one of the Officers on whose advice the Government had acted in the matter, he could not be their Chairman, or even a member of their Committee” and therefore would tender his resignation. At subsequent meetings the Committee was chaired by James Macarthur. After consideration over a number of days, the Committee “to whom was referred...the Petition of John Dunmore Lang...complaining that the sitting Member for the Electoral District...of Stanley had been unduly returned to serve in the Legislative Council...in room of John Richardson,...resigned,...and to whom was also referred...a supplemental Petition from...John Dunmore Lang, complaining that no valid return had been made to the Writ addressed by the...Speaker to David Cannon M’Connell...the Returning Officer—have determined, and do hereby accordingly declare, the said election to have been and to be wholly void”. A new election was called, and Lang was able to take his seat in the Council in August 1854 as the member for Stanley.

### **1854/8            COMMITTEE ON THE VOLUNTEER AND YEOMANRY CORPS BILL**

*See also 1853/30*

*Background* On 8 June 1854/3 the Governor General, by Message no. 1 sent to the Council *A Bill to authorize the formation of Volunteer and Yeomanry Corps in the Colony of New South Wales*. The Bill had its first reading on 14 June 1854/5, and at its second reading on 21 June 1854/8 it was referred to a Committee for consideration and report.

*Members of the Committee* The Colonial Secretary (Campbell Drummond Riddell); The Chief Commissioner of Crown Lands (George Barney); Charles Cowper; William Dumaresq; Charles Wray Finch; Phillip Parker King; William Macarthur; The Inspector General of Police (William Colburn Mayne); George Robert Nichols; Henry Parkes.

*Witnesses examined by the Committee* Captain John Coghlan Fitzgerald, Commander of *H.M.S. Calliope*; Lieutenant-Colonel Harry Bloomfield, Commanding the 11th Regiment; Lieutenant Colonel Edward Macarthur, Deputy Adjutant-General; Captain August Frederick Jenner, 11th Regiment, Major of Brigade; Major General Sir Robert Nickle, Commander of the Forces; Joseph Pettingell, of the Sydney Rifle Club; Merion Moriarty, Port Master; Henry Baker, Commander R.N.; Michael Golden, Building Surveyor of the City, and a member of the Sydney Rifle Club.

*Report of the Committee* The Report of the Committee and the Evidence taken before it were tabled on 11 July 1854/18 and were printed. The Committee, having made some alterations to the Bill, “recommend (1) the enrolment of a Volunteer Rifle Brigade”; (2) “an Artillery Force, partially mounted, might be raised on the Volunteer principle, and beneficially employed”; (3) “A Volunteer Force might be raised for Naval purposes generally—say about 200 men—from which periodical drafts might be made for constant training aboard some vessel to be used as a Blockship”.

## 1854/10 COMMITTEE ON IMMIGRATION

*For other Immigrationm Copmmitted see 1854/58*

*Background* On 27 June 1854/10 Henry Grattan Douglass moved the appointment of a Committee “to take into consideration the best means of promoting Immigration into this Colony”.

*Members of the Committee* Henry Grattan Douglass; The Colonial Secretary (Campbell Drummond Riddell); The Colonial Treasurer; James Macarthur; George Macleay; Henry Parkes; William Dumaresq; Phillip Parker King; Charles Cowper; James Martin.

*Report of the Committee* [No witnesses were called] The Committee tabled a Progress Report on 6 July 1854/16. The Council was advised “that a further remittance of £100,00 should be immediately made available to the Land and Emigration Commissioners in London. *For the second Progress Report of the Committee see below 1854/44.*

## 1854/10 COMMITTEE ON ROADS AND RAILWAYS

*See also 1851(2)/28, 1854/20*

*Background* On 27 June 1854/10 James Martin proposed “that vigorous proceedings should be immediately taken thoroughly to make the leading Highways of the Colony [to be], the Great Western Road...the Great Southern Road...the Great Northern Road...the Great Road from Ipswich...[and] that the proper course...will be, not to spread the expenditure, as hitherto, over a wide surface, but to concentrate it...over a limited space, so that whatever work may be done, shall be of a permanent character”. Martin had been a members of the earlier Committee on the Great Leading Thoroughfares of the Colony for which *see above 1851(2)/28*, but a separate report written by him, although printed as an appendix to the Report of that Committee was not agreed to by the other Committee members. His current proposal seems to have been an attempt to revive his former ideas. However, after debate on Martin’s motion, an amendment, as follows, was passed: “That a Select Committee be appointed to inquire and report what measures should be adopted to improve the existing Roads, and to provide for the general introduction of Railways into the Colony”.

*Members of the Committee* The Colonial Treasurer (Frederick Lewis Shaw Merewether); William Macarthur; The Chief Commissioner of Crown Lands (George Barney); James Martin; Augustus Morris; Edward Flood; Arthur Tod Holroyd; Robert Campbell; Terence Aubrey Murray; George Macleay (appointed on 3 August 1854/30).

*Witnesses examined by the Committee* James Wallace, engineer in chief to the Sydney Railway Company; Charles Kemp, one of the Directors of the Sydney Railway Company; William Randle, an engineer assisting the Engineer-in-chief of the Sydney Railway Company; Henry Moggridge, civil engineer and Surveyor of Roads appointed by the Government for the maintenance of the Southern Road; William Rickford Collett, Surveyor appointed by the Government for the maintenance of the Northern Road; Thomas Sutcliffe Mort; William Weaver, Clerk of Works in the Department of the Colonial Architect; Joseph Gale, resident engineer of the Hunter River Railway Company; George Miller, Managing Trustee of the Sydney Savings Bank; Edward Knox.

*Report of the Committee* A Progress Report was tabled on 8 November 1854/81. This was largely concerned with the Road Surveyors. The Committee noted that the appointment of the Surveyors for the Southern and Northern Roads “has...been attended with advantage, but it is evident that some further improvement in the system is required before the public can have the full benefit of their services...the most serious question...is not so much the want of funds, or of labor, as the want of a good system of regulating and controlling the expenditure...the creation of local Municipal bodies, or of Road Trusts is the most correct principle to be adopted; but your Committee lament to say that, in the larger number of instances where they have been established, they have hitherto failed in fulfilling the objects contemplated...[the Road Trusts or Wardens have often not fully co-operated, and less money has been expended than was available and consequently less work has been done than could have been; for instance,] out of £4,000 voted for the line of road between the Chain of Ponds and Murrurundi not more than £400 has been spent...and there are different systems in operation,--(1) The Maitland Road Trust, which is a Turnpike Trust; (2) The middle portion of the road, which is under the control of a single Warden; and (3) The upper end, which is under the control of the several Benches of Magistrates for the different Districts...your Committee are of opinion that however desirable or necessary it might have been for the Government to entrust the expenditure of the funds for Road Repairs to the Trusts, Wardens, and Benches, previous to the appointment of Road Surveyors...the interference of such bodies with an officer placed in charge of a line of road passing through several districts...is calculated to be rather detrimental than otherwise”. The Committee then went on to observe “that the chief attention of the Government and the Council must be directed to the construction, at the earliest period, of Railways for the great leading thoroughfares...and they, therefore, have not thought it necessary to deviser any plan for making...common roads...Your Committee are...most anxious that these roads should be as available as possible for the public” and accordingly made recommendations for the provision of £2,000 for the repair of the Southern Road, £3,000 for the Western Road, £2,000 for the Moreton Bay District, and that the Surveyor for the Northern Road should be given authority for the expenditure of the funds which have accrued for lack of expenditure on the Northern Road. As for the Unsettled Districts, much of the money allocated for roads therein amounting to almost £11,000, except where firm contracts already existed, should be made available for roads or bridges in the Settled Districts. Finally, “your Committee see no reason...why the Road Surveyors should not in future, for a time at least, be placed under the Colonial Architect”. The Final Report of the Committee was tabled on 17 November 1854/86, and it and the Evidence were printed. The Committee said “The circumstances of the Colony are now so completely changed since...1849, not only as regards the necessity for the formation of Railways, but also as respects the position of the Government, that your Committee consider the time has arrived when the construction of Railways ought to be taken up on a large and comprehensive system. Whatever may be the cost...their general introduction into the Colony ought not any longer to be deferred...the completion of the line as far as Parramatta [on which work had ceased when the Sydney Railway Company was unable to raise further funds] may be designated as only the beginning of the work...the Council should, without any further delay, mature a plan for completing the Railways in the County of Cumberland; and...measures should be adopted for extending them into the interior as speedily as possible...as it seems to be now acknowledged that private companies cannot succeed in constructing Railways without Government aid upon a scale which ought not to be conceded, your Committee recommend that these important works should be taken up by the Government...Your Committee therefore recommend

that, as the Sydney Railway Company may be considered to have acknowledged its inability to proceed with any works beyond Parramatta, an Act of Council should be obtained giving to the Government power, in the first instance, to construct Railways in the County of Cumberland, from the Parramatta terminus to Liverpool, Campbelltown, and the Cowpasture District, on the southern line, and to the towns of Windsor and Richmond, with a branch to Penrith, on the western; and the necessary powers for carrying out such works should be conferred on a department to be created, in accordance with the recommendation of a Select Committee [for which *see above* 1854/4] appointed 'to inquire into and report on the propriety of placing the construction, management, and control of the Public Works and Buildings of the Colony of New South Wales'...the interest of the Sydney Railway Company in the line between Sydney and Parramatta, be purchased by the Government, and that equitable compensation be made to the Shareholders...and with the Hunter River Railway Company”.

#### **1854/14 COMMITTEE ON PATRICK MALONEY’S CASE**

*Background* Patrick Maloney had been tried and found guilty of armed robbery on 27 February 1854, but on 21 April 1854 was granted a free pardon on appeal.. However, Maloney’s release was delayed because the usual procedure for the issue of pardons by the Judge of the Supreme Court had not been followed. On 4 July 1854/14 Arthur Tod Holroyd moved the appointment of a Committee “to inquire into and report upon the causes of the delay in issuing the pardon”.

*Members of the Committee* Arthur Tod Holroyd; James Martin; Henry Grattan Douglass; Augustus Morris; Charles Cowper; James William Bligh; Terence Aubrey Murray; The Attorney General (John Hubert Plunkett)

*Witnesses examined by the Committee* Augustus Carter, clerk to Mr Justice Therry; Michael Fitzpatrick, a senior clerk in the Colonial Secretary’s Office, Campbell Drummond Riddell, Colonial Secretary.

*Report of the Committee* The Report was tabled on 3 October 1854/60 and it and the evidence were printed. The Committee informed the Council that the delay in freeing Maloney had resulted from “a deviation from the practice which had invariably been adopted in reference to the recommendations for pardons by the Judges of the Supreme Court, [which meant that] Patrick Maloney was detained at Cockatoo Island several weeks after the time at which he ought to have been discharged.

#### **1854/14 COMMITTEE ON THE NAVIGATION OF THE RIVER HUNTER**

*See also* 1832/58, 1849/26, 1852/8

*Background* On 18 June 1852/8 the Council had appointed a Committee to inquire into and report on the best place to position a lighthouse at the entrance to Newcastle Harbour; it concluded that the light should be placed on Nobby’s Island which should be cut down to make a level platform about 60 feet above sea level. The Report was adopted by the Council on 17 September 1852/57 and the Governor was requested to make the necessary arrangements for the work to proceed. By mid-1853 considerable

progress had been made, including a decision to cut down the island by blasting the rock with gunpowder at an estimated cost of £1,000. A number of Newcastle residents on hearing of the proposal mistakenly believed that the whole island was to be removed and petitioned the Governor General “in order that the [Nobbys] Promontory may be preserved for the purposes of shelter, and of erecting a Light House thereon”. On 14 June 1854/5, on the motion of Charles Cowper, the Council resolved to request the Governor General to table “a Copy of any Petition...against the destruction of Nobby’s Island ...and of all correspondence which may have taken place between the Government and the Petitioners...” and on 27 June 1854/10 Cowper presented “a petition from certain inhabitants of...Newcastle, masters of vessels and others trading to the port of Newcastle, praying that Nobby’s Island may not be destroyed or reduced without further investigation”. On 4 July 1854/14 George Robert Nichols proposed the appointment of a Committee “to inquire into the best means of facilitating the Navigation of the River Hunter, and the Improvement of the Harbour of Newcastle”. Further Petitions on 5 July 1854/15, 25 August 1854/41 and 29 August 1854/42 were referred to the Committee.

*Members of the Committee* George Robert Nichols; George Barney (Chief Commissioner of Crown Lands); Edward Flood; Alexander Park; Phillip Parker King; Daniel Egan; Henry Grattan Douglass.

*Witnesses examined by the Committee* Merion Moriarty, Port Master; William Croasdill; William Mulhall, Commander of the Steamship *Collaroy*; Francis Lodge, ship-master resident in Newcastle; Alexander Livingstone, Harbour Master at Newcastle.

*Report of the Committee* The Committee reported on 7 November 1854/80 and the Report and Evidence were printed. Notwithstanding conflicting opinions, the Committee recommended “that the proposed Light House should be erected on the top of Nobby, and that, that Island should be merely prepared by levelling and thus making a ledge a few feet below its present summit. The adoption of this will, it is believed, combine all the advantages which have been suggested as desirable by retaining the Island as a land mark, and by placing the Light House not only in the most conspicuous place, but as preventing the necessity for making the explosions, the idea of which had caused so much apprehension among the residents at Newcastle...There are no harbour regulations at all at Newcastle, and that he [Livingstone, the Harbour Master] has a great deal of trouble in consequence...[he] has had no instructions put into his hands to go by...the serious consideration of the Government and Council should...be also drawn without further delay to the state of the River...between Newcastle and Morpeth...Your Committee are unanimously of opinion that a paid Commission of competent persons should be appointed to examine the Harbour of Newcastle and Hunter River, as far as Morpeth...no time should be lost in adopting such measures as may be deemed necessary for preventing further damage to the river navigation, and for making Newcastle a safe Harbour for the large number of vessels of all sizes visiting that Port and engaged in the trade of it”. The Session was prorogued before the Report could be considered but the improvement of the Harbour at Newcastle came under consideration when the Hunter River Tonnage Bill was considered on 11 October 1855/65; at that time the Council agreed that the Governor General should be empowered to borrow up to £40,000 for the Harbour works. This presumably included the erection of the light house, which did not take place until 1858. Nobby’s was reduced to a height of only 25 metres, about the height which had been recommended in 1854 in the evidence given before the Committee by the Port Master Moriarty and the Harbour Master Livingstone.

**1854/18 COMMITTEE ON THE CARANGARA COPPER MINING COMPANY'S BILL**

*Background* On 7 July 1854/17 Charles Cowper introduced *A Bill to Incorporate the Carangara Copper Mining Company*. On the following day the Bill was referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; George Barney; James William Bligh; John Dobie; Phillip Parker King; William Macarthur; Matthew Henry Marsh; Terence Aubrey Murray; The Attorney General (John Hubert Plunkett).

*Witness examined by the Committee* [George Wigram Allen appeared as solicitor for the Bill] Archibald Campbell, Secretary to the Carangara Copper Mining Company.

*Report of the Committee* The Committee reported on 24 August 1854/40 and the Report and Evidence were printed. The Bill with amendments was recommended to the Council and it was *passed* on 12 September 1854/50.

**1854/19 COMMITTEE ON THE PROPOSED NAUTICAL SCHOOL**

*Background* On 12 July 1854/19 Henry Parkes proposed the establishment of a nautical school in Sydney, aimed at “the probable number of children...growing up in the City of Sydney without any direction being given to their future lives...” After debate Parkes’ motion was amended as follows: “That a Select Committee be appointed to consider and report upon the general subject of establishing a Nautical School in the Port of Sydney”.

*Members of the Committee* Henry Parkes; Phillip Parker King; The Attorney General (John Hubert Plunkett); Robert Campbell; George Robert Nichols; Thomas Ware Smart; James Martin; Charles Cowper; The Postmaster General (William Howie Christie); George Allen.

*Witnesses examined by the Committee* Captain John Ross, Commander of the ship *Hashemy*; John Crook, Assistant Harbour Master of Port Jackson; Richard Sadlier, R.N.; James Mollison; Captain William Ward; William Timothy Cape, former Headmaster of the Sydney College; Captain Henry Thomas Fox; Captain John Coghlan Fitzgerald, R.N., in command of *H.M.S. Calliope*; Robert Towns; Captain Benjamin Darley.

*Report of the Committee* The Committee reported on 24 November 1854/90 and the Report and Evidence were printed. The Committee noted “that Nautical Training Schools, which exist in different seaports of the mother country, have been found to work...with great advantage to the boys taught in them, and with results decidedly beneficial to the mercantile public”. The Committee went on to say that “The advantages that would be derived from the establishment of a Nautical school in the Port of Sydney...would be very valuable, especially to the shipping interest of the Colony, and it is contended that, as a means of social improvement, its agency would be very beneficially felt...large numbers of boys are cast upon the streets of Sydney by parents who, from indigence or other causes, manifest little concern for their future safety and welfare...few of the youths in the humbler walks of life...are apprenticed to the sea; and the natural consequence is seriously felt in the aggravated inconvenience to which the

shipmasters of the Colony are subjected at all times in obtaining desirable crews". The Committee recommended the early establishment of the proposed nautical school, but noted that from the evidence taken, voluntary contributions alone would be insufficient to meet the costs. It would be desirable for the General Revenue to provide half the cost on condition that the remainder was met by the public, and particularly from the mercantile classes which "would obviously have so strong an interest in promoting its prosperity...and [would] extend to it a steady and liberal support". The school should be held in a hulk provided free of expense by the Government, and if moored in Farm Cove or one of the adjacent bays of the harbour would attract public interest and support, while such a situation "would also be a favourable one both for health and convenience". It had been suggested that school might consist of two departments, in one of which "the higher branches of a commercial education, with nautical astronomy and mathematics, should be taught...this division of the school might be made an additional source of revenue by receiving to its classes the sons of respectable parents intended for the sea...a higher branch...would supply a very desirable means of promotion for those boys in the lower division who might evince superior capacity or exhibit exemplary conduct in their training...the course of instruction in the lower division...might be confined to reading, writing and arithmetic". The Report was adopted by the Council on 28 November 1854/91, and an Address to the Governor General was made, requesting that the recommendations be carried into effect.

#### **1854/20 COMMITTEE ON THE SYDNEY RAILWAY BILL**

*See also* 1854/4

*Background* On 4 July 1854/14 the Colonial Treasurer (Francis Lewis Shaw Merewether) introduced *A Bill to authorize the enclosure of a part of George-street, in the City of Sydney, being a portion of the Cleveland Paddock, and enable the Sydney Railway to appropriate the same*. On 13 July 1854 the Bill was referred to a Committee.

*Members of the Committee* The Colonial Treasurer (Francis Lewis Shaw Merewether); Charles Cowper; Arthur Tod Holroyd; Phillip Parker King; William Macarthur; William Montagu Manning (Solicitor General); James Martin.

*Witnesses examined by the Committee* William Barker, Solicitor to the Sydney Railway Company; James Wallace, Engineer-in-Chief to the Sydney Railway Company.

*Report of the Committee* The Committee reported on 8 September 1854/49 and recommended that the Bill, with suggested amendments, be passed. The Report and Evidence were printed.

#### **1854/21 COMMITTEE ON THE SCOTS CHURCH TRUSTEES' BILL**

*Background* In 1826 land in Jamison Street, Sydney had been granted to the Presbyterian congregation for the erection of a Scots Church and other buildings for related purposes. Of the four original trustees only the Reverend Dr John Dunmore Land and Dr David Ramsay survived in 1854. Lang had conducted the Australian College there for the education of youth; the College had been largely provided for by a grant of money from the Colonial Government, with some funds coming from public subscription. In a

Petition which Charles Cowper presented to the Council on 6 July 1854/16 Lang and Ramsay sought leave to introduce a Bill which would allow a portion of the original grant to be sold, the proceeds to be used for buildings to allow the Australian College to be subsumed into a Presbyterian College affiliated with the newly established University of Sydney. This proposal to alienate a part of the original Scots Church grant was strenuously opposed by the Ministers of the Scots Church. The proposed *Bill to enable the Trustees of the Scots Church, Sydney, to dispose of a vacant portion of their allotment for Ecclesiastical and Educational purposes*. On 18 July 1854/21 Charles Cowper moved the appointment of a Committee for consideration of and report on the Bill.

*Members of the Committee* Charles Cowper; James William Bligh; Edward Flood; James Macarthur; William Montagu Manning (Solicitor General); James Martin; Augustus Morris; Alexander Park; Thomas Ware Smart.

*Witness examined by the Committee* Revd Dr John Dunmore Lang.

*Report of the Committee* The Report and Evidence were tabled on 13 October 1854/67. Dr Lang when examined by the Committee “requested, on behalf of himself and the other promoters of the Bill, to be allowed to withdraw it”. Lang had said that “at the instance of Mr George Bowman, who is one of the Trustees, and who expects, in consequence of an anticipated measure in the Presbyterian Church, that its divisions may be healed at a comparatively early period, and is of opinion that this measure would come better after that event than before it”. In the light of this, the Committee recommended that leave to withdraw it be granted, “and that all Papers connected with it be discharged from the custody of the Clerk”.

## **1854/22 COMMITTEE ON THE PUBLIC HEALTH BILL**

*See also* 1855/10

*Background* On 8 June 1854/3 the Governor General, by Message No. 2, proposed *A Bill for promoting the Public Health*. On the same day his Message No. 3 proposed *A Bill for the well ordering of Common Lodging Houses*. On 13 July 1854/20 George Robert Nichols introduced *A Bill to provide for the Paving of the Streets of the City of Sydney*. The *Public Health Bill* had its second reading on 19 July 1854/22, and on the motion of Charles Cowper it was referred to a Committee for consideration and report. On the same day the *Common Lodging Houses Bill* had its second reading; it also was referred to the Public Health Committee for consideration and report. On 25 July 1854/24 the *Sydney Paving Bill* was also referred to the Public Health Committee for consideration and report. A Petition against the Paving Bill from Thomas Hyndes, a landholder of the City of Sydney, was presented by John Bayley Darvall, and it was referred to the Public Health Committee. In addition, on 13 September 1854/51 Henry Parkes presented a Petition “from certain Masters, Carcass Butchers, Journeymen, and Servants engaged in trade as Butchers within the City and District of Sydney, praying the entire suppression of the practice of Slaughtering and Vending Butchers’ Meat during the Sabbath”. This Petition was also referred to the Public Health Committee.

*Members of the Committee* Charles Cowper; Thomas Barker; George Barney (Chief Commissioner of Crown Lands); Edward Flood; Arthur Tod Holroyd; George McLeay;

William Montagu Manning (Solicitor General); James Martin; George Robert Nichols; Henry Parkes.

*Witnesses examined by the Committee* John Rae, one of the Commissioners of the City of Sydney; Thomas Hyndes, property owner in the City of Sydney, and Petitioner (*see above*); Samuel Hebblewhite, property owner in the City of Sydney.

*Report of the Committee* A Progress Report was tabled on 29 November 1854/92. The Report and the Evidence were printed. The Committee was not in fact able to report much progress: “In consequence of the number of questions which have been referred to Select Committees of the Council during the present Session, your Committee have not been able to give to these Bills that consideration to which, from their importance, they are entitled. The subjects with which they propose to deal with are, they admit, of pressing necessity, and such as they should have felt bound to consider most attentively, if the time, which has been engrossed by other matters even of a still more urgent nature, had permitted...With respect to [the Public Health Bill]...a serious difficulty will...arise from the past failure of the Municipal Bodies hitherto established. That the appointment of Boards of Health will be beneficial under judicious management, cannot be doubted; but it would be very desirable that they should, if possible, be worked by Managers elected by the people, and not appointed by the Government...It seems probable...that a strong opposition will be made to the passing of the Bill for Paving the City, in its present shape...your Committee...were unable to arrive at any satisfactory conclusion, either as to the mode by which the Paving should be executed or the sources from which the expense of it should be defrayed...[however] the injury created by the delay [in carrying out the work] will not be so great as might be imagined...” The Committee indicated that it would be prepared to be re-appointed in the next Session

## **1854/22 COMMITTEE ON PAWNBROKING**

*Background* On 11 July 1854/18 George Robert Nichols had presented “a Petition from certain Licensed Pawnbrokers residing in the City of Sydney, praying that the general question of the business of Pawnbroking be referred for the consideration and report of a Select Committee; or, in the event of the introduction of a Bill for carrying out the Resolutions to be moved by Mr Holroyd, that Petitioners be heard by Counsel at the second reading of such Bill”. On 13 July 1854/20 Arthur Tod Holroyd moved a series of resolutions which informed the Council that the Licensed Pawnbrokers’ Act 13 Vic no 37, which legalised “the pledging of chattels, is oppressive in its operation in allowing the pawnbroker to exact an unlimited rate of interest, at the same time as he rarely, if ever, advances more the fifty per cent of the chattel pledged” [and] that notwithstanding the smallness of the advance made, and the high rate of interest charged (being not unfrequently at the rate of 120 per cent per annum) is enabled...to dispose of the chattel pledged at the expiration of three months...” and that the Governor be should requested to prepare a Bill for replacing the present system of pawnbroking with institutions similar to the Monts de Piete in Paris, under Government control, and thereby limiting the rate of interest on money advanced to 10 per cent per annum, with larger advances on items pledged and a redemption period of up to twelve months. After debate on these proposals, the Council resolved that “the whole subject of Pawnbroking be referred to a Select Committee”. The Committee was appointed on 19 July 1854/22.

*Members of the Committee* Arthur Tod Holroyd; George Robert Nichols; The Attorney General (John Hubert Plunkett); George Allen; Thomas Barker; John Bayley Darvall; Henry Grattan Douglass; James Macarthur.

*Witnesses examined by the Committee* Alexander Moore, pawnbroker, general broker and auctioneer; Joseph Curby, licensed pawnbroker; Jabez King Heydon, former pawnbroker in Sydney; John Cockerell, pawnbroker (one of those who signed the Petition); John Benson, pawnbroker; Thomas Gregan, pawnbroker; John McLerie, Metropolitan Superintendent of Police; William King Tate, formerly a pawnbroker in London; Robert Harris, formerly a law officer of the Corporation of London

*Report of the Committee* The Committee tabled a brief Progress Report on 30 November 1854/93: “Your Committee not being in a -position finally to report on the subject referred to them, recommend that it should be resumed in the next Session of Council, and in the meantime that the Evidence taken before your Committee should be printed”.

## **1854/22 COMMITTEE ON GABO ISLAND LIGHT HOUSE**

*See also* 1842/25, 1845/22, 1849/33

*Background* The Gabo Island lighthouse had been commissioned on 28 November 1853; 627 gallons of oil had been provided in advance and later deliveries brought the total to 887 gallons, “and at the ordinary rate of consumption, which is estimated at 111 [gallons] a month, it ought to have lasted for eight months,—i.e. to the end of July. A large portion, however, was lost through leakage or other causes, and the whole was exhausted by the end of June”. Terence Aubrey Murray drew attention to this unsatisfactory state of affairs and on 19 July 1854/22 moved “That the reported absence of any light at Gabo Island during a period of several days in the early part of this month—considering the importance of that beacon, and that disastrous consequences might have resulted from its being extinguished—demands immediate and strict inquiry”. A Committee was appointed.

*Members of the Committee* Terence Aubrey Murray; The Attorney General (John Hubert Plunkett); Phillip Parker King; Henry Watson Parker; Edward Flood; James Macarthur; James Martin; George Robert Nichols; James William Bligh.

*Witnesses examined by the Committee* Edward Thomas Blacket, Colonial Architect; Frederick Terry, Manager of the Australasian Steam Navigation Company; Samuel Charles Johnson; builder of the (second) lighthouse; Merion Moriarty, Port Master for the Colony; George Gilmore, Commander of the steam ship *Yarra Yarra*; Campbell Drummond Riddell, Colonial Secretary.

*Report of the Committee* The Report and Evidence were tabled on 3 October 1854/60. The Committee noted that the stocks of oil had been depleted through leakage. The “vague and uncertain arrangements which had been made with the Australasian Steam Navigation Company for the conveyance of such supplies” (including the oil) had not worked well except as a temporary measure, since the Company “undertook to covey packages on the condition...that, should the weather not admit of the stores being landed they should be taken on[wards] till the next opportunity...Your Committee do not think the supply of the Light House with oil and provisions, should have been left dependent

on so uncertain a mode of conveyance". The Committee had seen letters from the Colonial Secretary to the Port Master (Merion Moriarty) which "pointedly called the attention of the Port Master to the quantity of oil on the Island, and to the arrangements made for procuring a regular supply...Your Committee are...of opinion, that when the precarious state of things on the Island, from the exhaustion of the oil and provisions became known to the Government, their obvious and proper course was to have taken the most energetic steps for landing without delay the supplies which were so urgently required, but the evidence does not show that such energetic steps were taken".

#### **1854/22 COMMITTEE ON THE SYDNEY & MELBOURNE STEAM PACKET COMPANY'S BILL**

*Background* On 18 July 1854/21 Arthur T Holroyd introduced *A Bill to Incorporate the Proprietors of a certain Company called 'The Sydney and Melbourne Steam Packet Company' and for other purposes therein mentioned*. On 19 July 1854/22 it was referred to a Committee for consideration and report.

*Members of the Committee* Arthur T Holroyd; George Allen; Daniel Egan; Alexander Park; William Thurlow; Augustus Morris; James Chisholm; Charles Wray Finch.

*Witness examined by the Committee* Charles Thomas, Solicitor to the Sydney and Melbourne Steam Packet Company.

*Report of the Committee* The Committee reported on 28 July 1854/27 and it and the Evidence were printed. The Bill was recommended to the Council without amendment.

#### **1854/27 COMMITTEE ON THE STIPENDS OF THE CLERGY**

*Background* Despite the fact that New South Wales had no established church, clergymen of the four recognized denominations received a stipend from public funds. This was variously an amount of money directly given by the Government (commonly £250 a year, with a parsonage and an allowance for a horse) but in some instances part was paid by the Society which had sent out the clergyman (for instance, the Society for the Propagation of the Gospel). In other cases, the Government appears to have expected that a matching sum be provided by the congregation to which the clergyman had been appointed. By 1854 the general rise in wages, rents and the cost of living in general, occasioned by the changes in society brought about by the Gold discoveries, had meant that most clergymen could no longer make ends meet; it does appear, however, from the evidence taken before the Committee that it was the Church of England clergy who were most distressed. In this they were not alone: even the Governor General had had to request an increase in his salary and living allowances, and public servants had received pay increases for the same reasons. On 8 July 1854/27 John Rose Holden moved the appointment of a Committee "to consider and report whether any and what means can be adopted to afford pecuniary assistance to Clergymen of the various denominations recognized by the law of the Colony, it being generally admitted that the Stipends received by them at the present time are inadequate for their support". A Committee was appointed by ballot.

*Members of the Committee* John Rose Holden; George Allen; Terence Aubrey Murray; James Macarthur; George Macleay; Henry Grattan Douglass; The Attorney General (John Hubert Plunkett); Charles Wray Finch.

*Witnesses examined by the Committee* Revd James Walker, Church of England Clergyman at Liverpool; Revd William Stack, Church of England Clergyman at Campbelltown; Revd William Branwhite Clarke, Church of England Clergyman at St Leonard's; Revd Henry Tarlton Stiles, Church of England Clergyman at Windsor; Revd George Edward Turner, Church of England Clergyman at Ryde; Revd Frederick Wilkinson, Church of England Clergyman presently officiating at Trinity Church; Revd James Fullerton, Minister of the Scot's Church, Sydney; Revd William Binnington Boyce, General Superintendent of the Wesleyan Church in New South Wales; *The Venerable Archdeacon* John M'Enroe, presently head of the Church of Rome in New South Wales.

*Report of the Committee* The Committee reported on 13 October 1854/67 and the Report and Evidence were printed. From the Evidence it is clear that the Church of England clergy were most affected, whereas the Wesleyans felt that they were handling the problem fairly well. None of the witnesses suggested that there was no problem, and the view of them all was that they were much worse off than previously (£250 per annum in 1824, for instance, was now worth £50) and were unable to exist on their present stipends, whether paid in full by the Government, or partly subsidized from other sources. The Committee therefore recommended (1) that it was "necessary to afford them pecuniary assistance without delay".(2) An Address to the Governor General should be made requesting that "the sum of Six Thousand Five Hundred Pounds be appropriated for the present year for the purpose of affording temporary relief to the Ministers of the different denominations entitle to receive the same;...to married Ministers, Fifty Pounds each, [and] to single, Twenty-five Pounds each" (3) "Your Committee further recommend that the amount to which Ministers of each denomination may be entitled, shall only be paid by the Government on the condition that the Laity subscribe an equal amount; and that a Certificate furnished to the Government by the Head of the Church of each Denomination, stating that the amount required has been collected for that purpose, shall entitle the Head of each denomination to claim and receive the public money according to the rate of distribution recommended by this Committee." The Report was adopted after debate on 24 October 1854/72 and the Address made to the Governor General on that day. The Governor approved the request in Message 56 on 7 November 1854/80.

## **1854/28 COMMITTEE ON SCAB IN SHEEP**

*See also* 1832/29, 1835/31, 1838/10, 1845/5, 1849/11

*Background* The disease of scab in sheep had long been a serious problem for stockholders: the list of references above to earlier Committees is an indication that it was a continuing and unsolved problem. For two years prior to 1854 only the Bathurst District of New South Wales had been experiencing the disease, but during the last 12 months it had spread again to the northern District of Burnett and to the Murrumbidgee District in the south. On 1 August 1854/28 Augustus Morris moved for the appointment of a Committee "to inquire and report whether any measures can be adopted to arrest the spread of the disease..."

*Members of the Committee* Augustus Morris; George Bowman; William Bradley; Robert Fitzgerald; William Macarthur; William Montagu Manning (Solicitor General); William Colborne Mayne (Inspector General of Police); Matthew Henry Marsh; George Macleay; Charles Wray Finch.

*Witnesses examined by the Committee* William T Mollison, Member of the Legislative Council of Victoria; William Henry Suttor; Thomas Icely; William Clements, a veterinary surgeon; George Bennett, surgeon; Edward Ogilvie, a sheep farmer in the northern district; William Macleay, a sheep farmer on the lower Murrumbidgee; John Peter, a sheep farmer on the Murrumbidgee; John Lecky Phelps, sheep farmer on the Murrumbidgee, Lower Darling and Lachlan Districts; George Farquhar Leslie, from the northern districts.

*Report of the Committee* The Committee reported on 19 September 1854/52, and the Report and Evidence were printed. The Committee observed that “It being a recognised fact that Scab in sheep is occasioned by the presence of an acarus, an insect in close affinity to that which is the cause of psoria or itch in the human subject...a disease of that character can only be propagated by actual contact...the testimony of the many practical and competent persons whom they have consulted on the subject, within whose experience there never came an instance of the disease which could not be traced to contagion”. The Committee therefore recommended “1. That all sheep in...New South Wales which are, or may hereafter be, infected with...Scab should be destroyed, as being the only means by which it can be effectually eradicated; and that the owners of sheep so diseased should be compelled by law to carry such destruction into effect. 2. That the owners of scabby sheep should be compensated for the compulsory destruction of their stock, by receiving the sum of four shillings for each sheep or lamb over six months of age so destroyed. 3. That a Fund for compensating the owners of scabby sheep should be raised by an assessment for one year, of £2 per thousand upon all the sheep and lambs within the Colony; but should such assessment be found insufficient, it should be continued for another year”. The Committee noted that for a variety of reasons “it would be utterly useless to attempt a cure by medical remedies...the destruction of all the scabby sheep ...the number of which is fortunately at the present time so small, would confer the greatest benefits, not only on the public generally, but with the compensation offered, in an especial degree on the proprietors themselves...this disease prevents the increase of sheep; impedes their growth; deteriorates the quality, and lessens the quantity of their wool—and hinders the animals from fattening, whereby the profit of the owners is destroyed, and the Colony injuriously affected by a decrease in its exports and by the loss of pastures, from which a supply of animal food would otherwise flow...[the recommended course of action is justified] on sanatory [sic] as well as on economic grounds...the Scab renders the meat of the animals affected unwholesome for food, the effects of the disease being dangerously aggravated by the minerals and poisons used for its cure; and it is possible that the meat of such morbid animals may be exposed for sale, without the sellers or purchasers being able to detect its diseased state...The advantage to the possessors of healthy sheep...for ever relieved from the risk of...Scab, is incalculable. The pastoral pursuits of the Colony would become a safe investment...those portions of the present *Scab and Catarrh Act*, relating solely to Scab, should be repealed, with the view to passing a Bill to compel the owners of scabby sheep to kill and effectually burn or bury them...as it is certain that Scab may be communicated by a run, after the diseased sheep have been removed from it for a considerable time...all persons should be prohibited from depasturing any sheep upon, or driving them through a run on which any infected sheep shall have been destroyed within six months after such destruction”. The Governor General should be advised to authorize a Bill for the above purposes.

With that end in mind, Morris, who had chaired the Committee, proposed on 6 October 1854/63 that an Address to the Governor General should “propose to the Council a *Bill to authorize an assessment upon all sheep in the Colony*, in accordance with the recommendations contained in...[the] Report”. After debate, however, Morris withdrew the motion; he brought the matter up again on 10 October 1854/64 with a series of specific motions based on the recommendations of the Committee. Debate was postponed because of a lack of a quorum but was resumed on 13 October 1854/67 when the several motions were passed. Governor General Fitz Roy acceded to the proposals in his Message 54 of 31 October 1854.

## 1854/28 COMMITTEE ON EDUCATION

*See also* 1844/17, 1848/1

*Background* On 1 August 1854/28, on the motion of Charles Cowper, the Council appointed a Committee “to inquire and report whether any measures can be adopted for improving the means of Education, and for diffusing its benefits more extensively, throughout the Colony”

*Members of the Committee* Charles Cowper; The Attorney General (John Hubert Plunkett); The Postmaster General (William Howie Christie); Terence Aubrey Murray; James Macarthur; Phillip Parker King; Henry Parkes; James Martin; George Allen; George McLeay.

*Witnesses examined by the Committee for its Second Progress Report* Charles Nicholson, Provost of the University of Sydney and one of the Commissioners of National Education; *Revd* John Woolley, Principal of Sydney University; William Timothy Cape, former Headmaster of the Sydney College; Morris Birkbeck Pell, Professor of Mathematics in the University of Sydney; *Revd* Canon William Horatio Walsh; *The Venerable Archdeacon* John M’Enroe, at the time of examination the Head of the Roman Catholic Church in the Colony; Daniel Liddell.

*Reports of the Committee* A [first] Progress Report was tabled on 26 September 1854/56. The Report was printed. In it the Committee stated that it had felt “convinced of the necessity of having accurate information upon several matters, in reference to which it appeared that the examination of witnesses would not be attended with any beneficial result...[it] could only be afforded by individuals possessing some local knowledge...of the actual state of Education, and the qualifications of the Schoolmasters...A Commission should be appointed...of three competent persons, who should personally visit the several Districts in which Schools, supported wholly or in part by public funds, are situated. The scholars should be examined by them, and a report made...for the information of the Committee”. The Committee proposed that the Commissioners be William Wilkins, Samuel Turton and Henry Levinge. On 3 October 1854/60 Henry Parkes “presented a Petition from certain Inhabitants of the City of Sydney and others, praying the adoption of measures for the erection of a Grammar or High School”. On 6 October 1854/63 the Petition was referred to the Education Committee with “an instruction to the Committee to take the subject of the Petition into immediate consideration, and report thereon at an early date”. This resulted in a Second Progress Report which was tabled on 21 November 1854/87. The Committee recommended 1. That an Institution of the character indicated in the Petition is urgently required, and

ought to be established without delay. 2. That...[it] cannot be founded and efficiently maintained without the co-operation of the State; and that aid from the Public Revenue should be granted, to the extent of £20,000, as a Building Fund...together with an annual Endowment of £1,500. 3. The Building Fund should be expended exclusively in the erecting of School Buildings and a Residence for the Head Master; and that the annual endowment should go towards meeting the stipends of the Head Master and his assistants. 4. ...the initiation and management of the Institution should be committed to a Board of Trustees...5...application should be made to the Executive Government...for an eligible site in an elevated and conspicuous position within the City.” The Committee hoped for “buildings of superior architectural design” and for the “services of accomplished and experienced teachers”. It foreshadowed a further (and final?) Report should it be re-appointed in the next Session. In the meantime the Second Progress Report and the Evidence taken were printed, and on 22 November 1854/88 Charles Cowper introduced *A Bill to Incorporate and partially Endow the Sydney Grammar School*. The Bill had its second reading on 28 November 1854/91 when it was considered by the Council in Committee and adopted. It had its third reading on 29 November 1854/92 and was *passed*. The proposed financial provisions had already been authorized by the Governor General in Message no. 66 of 28 November and were incorporated into the Bill. The Committee was reappointed with the same membership on 12 June 1855/4 for which *see below*.

#### **1854/28 COMMITTEE ON THE PENRITH NEPEAN BRIDGE BILL**

*Background* On 4 July 1854/14 John Bayley Darvall presented a Petition from R Fitzgerald, Chairman of the Penrith Nepean Bridge Company, praying leave to introduce a *Bill to amend the Nepean Bridge Act*. The original act had provided for construction to take three years; but “in consequence of the difficulty of obtaining labor and materials, the Directors thought proper to allow the work to remain in abeyance for some time, but finding no immediate remedy they commenced again, after an interval of nine or ten months, and consequently they require some longer time to complete the work” It was requested that the proposed bridge tolls be increased in order to pay the interest on a new and increased loan which was required because the cost of labour and materials had increased threefold since the original Act was passed. The Bill had its first reading on 25 July 1854/24, and on 1 August 1854/28 was referred to a Committee for consideration and report.

*Members of the Committee* John Bayley Darvall; George Robert Nichols; George Bowman; James Martin; Henry Grattan Douglass; Arthur Tod Holroyd; Daniel Egan; Edward Cox.

*Witnesses examined by the Committee* Alexander Fraser, Secretary to the Nepean Bridge Company; David M'Beath, Engineer of the Penrith Nepean Bridge; John Perry, a resident of Penrith and a Commissioner of the Penrith Road Trust.

*Report of the Committee* The Committee reported on 22 August 1854/38 and the Report and Evidence were printed. The Committee recommended the Bill to the Council and it was *passed* on 3 November 1854/79.

**1854/28 COMMITTEE ON THE FITZ ROY IRON AND COAL  
MINING COMPANY'S BILL**

*Background* On 20 July 1854/23 Charles Cowper *introduced A Bill to establish and Incorporate a Company to be called 'The Fitz Roy Iron and Coal Mining Company'*. On 1 August 1854/28 it was referred to a Committee for consideration and report. On 23 August 1854/39 James William Bligh presented a Petition from John Moring in opposition to the Bill because it might affect claims he had against the Company: this was referred to the Committee.

*Members of the Committee* Charles Cowper; George Barney; George Bowman; William Dumaresq; Edward Flood; Arthur Tod Holroyd; James Martin; Terence Aubrey Murray; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* [W Barker appeared as solicitor for the Bill] Thomas Holmes, one of the proprietors of the former and present Fitz Roy Iron Mining Company; Frederick John Rothery, a shareholder in the Company;

*Report of the Committee* The Committee reported on 5 October 1854/62 and the Report and Evidence were printed. The Committee noted that Moring had been one of the Petitioners for the passing of the Bill, and therefore could not oppose it. The Bill was recommended to the Council and was *passed* on 17 October 1854/68.

**1854/28 COMMITTEE ON THE ADMINISTRATION OF INTESTATE  
ESTATES**

*See also* 1855/20

*Background* On 1 August 1854/28 Terence Aubrey Murray moved that a Committee be appointed "to inquire into and report upon the laws relating to the Administration of Intestate Estates".

*Members of the Committee* Terence Aubrey Murray; The Attorney General (John Hubert Plunkett); The Solicitor General (William Montagu Manning); James Martin; George Robert Nichols; Matthew Henry Marsh; George Allen; Charles Cowper; Phillip Parker King; Edward Flood.

*Witnesses examined by the Committee* [in 1854] Sir Alfred Stephen, Chief Justice; Samuel Frederick Milford, Master in Equity, Chief Commissioner of Insolvent Estates, and Curator of Intestate Estates; James Reid; James Norton, solicitor; Charles Lowe, solicitor; [in 1855] Mr Justice Therry.

*Report of the Committee* The Committee did not report in 1854, although it examined all but one of the witnesses. The Committee was re-appointed on 17 July 1855/20, and reported on 20 November 1855/87. For the names of the witnesses examined and their printed Evidence, and for the names of the 1855 Committee *see below* 1855/20.

## 1854/29 COMMITTEE ON THE SPRING-STREET ENCLOSURE BILL

*Background* On 19 July 1854/22 the Governor General, by Message no. 27, proposed *A Bill to authorise the enclosure and alienation of part of Spring Street, Sydney; and to give power to the Governor and Executive Council to authorise in future cases the enclosure and alienation of such Streets or parts of Streets as may be reason of alterations and improvements in any Town become unnecessary or inconvenient.* When the Bill was read a second time on 2 August 1854/29 it was referred to a Committee for consideration and report.

*Members of the Committee* Arthur Tod Holroyd; James Martin; George Robert Nichols; Charles Cowper; The Solicitor General (William Montagu Manning); Henry Parkes; Edward Flood; Daniel Egan.

*Witness examined by the Committee* Thomas H , of the Department of the Surveyor General.

*Report of the Committee* The Committee reported on 21 September 1854/54 and the Report and Evidence were printed. “The Committee having understood...that the Government had withdrawn the second clause of the Bill [which authorised enclosure or alienation of streets in any town] so referred to them, have considered the Bill without reference to the second clause. Upon the remaining portion of the Bill they have taken evidence...” The effect was that the proposal affected Spring Street in the City of Sydney only. The Committee recommended the Bill to the Council, which considered it in Committee on 26 September 1854/56. The Bill was read a third time on 3 October 1854/60 and was *passed*.

## 1854/32 COMMITTEE ON CROWN LANDS

*See also* 1829/4, 1832/14, 1839/1, 1839/27, 1840/17, 1842/2, 1842(2)/7, 1844/7, 1844/59, 1847/43, 1849/14, 1851(1)/4, 1852/6, 1852/32, 1853/10

*Background* On 30 June 1854/13 James William Bligh called for returns showing the details “of every Run in the unsettled or intermediate districts”, and “of the quantity of land on each Run sold, or applied for...under the pre-emptive right given by the land orders”. Subsequently, on 18 July 1854/21 he presented a Petition “from certain inhabitants of the Moruya, representing that the prime Town and Suburban allotments about their District are withheld from sale, in consequence of the pre-emptive rights asserted by certain squatters, and praying relief”. On 26 July 1854/25 Augustus Morris requested that the Governor General be asked to table “the Form of Lease granted, or proposed to be granted to occupants of Crown Lands, in the intermediate and unsettled Districts...” On 8 August 1854/32 Bligh moved “That complaint having been made...by Petition, that certain Reserves on Crown Lands have been claimed under the pre-emptive right given by Orders in Council... this Council is of opinion---(1) That Lands Reserved by the Government...are not subject to the pre-emptive right of the Lessee on the Run whereon the same may be situated, and may only be sold in accordance with the provisions of the Land Sales Act 5 Vict. C. 36. (2) That all Lands fit for Agriculture, all mineral lands, and lands on and adjacent to Navigable Rivers, and on the sea coast, should be reserved for the purpose of settlement, whether the same be in the settled, unsettled, or intermediate Districts. (3) That the above Resolutions be embodied in an Address to...the Governor General.” After debate Charles Cowper moved by way of amendment the “omission of all the words following the word ‘That’...with a view to the

insertion of the words ‘a Select Committee be appointed to inquire into the operation of the Law regarding the occupation and sale of the Waste Lands of the Crown,--the Orders in Council,--and the Regulations issued by the Colonial Government under them.’”

*Members of the Committee* Charles Cowper; James Martin; Terence Aubrey Murray; William Bradley; James Macarthur; George Macleay; Henry Osborne; William Bradley; George Barney. Chief Commissioner of Crown Lands; James William Bligh; Edward Flood.

*Witnesses examined by the Committee* George Barney, Chief Commissioner of Crown Lands; Thomas Livingstone Mitchell, Surveyor General; Charles Henry Green, Gold Commissioner for the Western District; John Frederick Mann, licensed surveyor; John Dobie, resident of the Clarence River District.

*Report of the Committee* A Progress Report was tabled on 29 November 1854/92, together with the Minutes of Evidence. Cowper, as Chairman of the Committee, had prepared a long and detailed draft Report but “Your Committee having taken such Evidence as the time at their disposal permitted, beg to report the same to the Council, and to state, that a Draft Report was submitted to them for adoption by the Chairman, but that it was determined, by a majority of your Committee that, from the extreme importance of the whole question of the administration of the Waste Lands of the Colony, and the consequent necessity for a much more extended inquiry that the Committee have been enabled to institute, it is not expedient to pledge the Committee at present to that Report”. On 1 November 1855 the Governor General (Sir William Denison) by Message no 92 a copy of a Despatch from Lord John Russell, Secretary of State for the Colonies which enclosed *An [Imperial] Act to repeal the Acts of Parliament now in force respecting the disposal of Waste Lands of the Crown in Her Majesty’s Australian Colonies, and to make other provisions in lieu thereof.*

## **1854/35 COMMITTEE ON THE MORETON BAY IMMIGRATION AND LAND COMPANY’S BILL**

*Background* On 2 /August 1854/29 Henry Parkes introduced *A Bill to establish and Incorporate a Company to be called ‘The Moreton Bay Immigration and Land Company’*. On 11 August 1854/35 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* Henry Parkes; James William Bligh; Charles Cowper; Edward Flood; Augustus Morris; Thomas Ware Smart; The Attorney General (John Hubert Plunkett).

*Witness examined by the Committee* Revd Dr John Dunmore Lang.

*Report of the Committee* The Committee reported on 28 November 1854/91 and the Report and Evidence were printed. The Committee said that “In the consideration of the Bill...it has been found necessary to confer with the promoters of the measure on many of its provisions, which has caused considerable delay in bringing up your Committee’s Report”. The Committee recommended the Report to the Council. However, Henry Parkes’ motion for the second reading of the Bill was lost, and the Bill therefore lapsed as the Session was prorogued on 2 December 1854/95.

*See also .*

*Background* On 15 August 1854/36 Henry Parkes moved “(1) That it is a matter publicly known that several ships have been dispatched from New South Wales to the ports of India for the purpose of bringing to these shores, in large numbers, a class of labourers, who, from their ignorance of our laws and language, are ill fitted to protect themselves in their contracts with persons in every respect more advantageously circumstanced. (2) That it is a duty incumbent on this House to inquire into the provision made for the conveyance of this class of people to the Colony, and to adopt adequate measures for their protection after their arrival on our shores. (3) That a Select Committee be appointed to take evidence on the chartering and victualling of the ships employed in this immigration trade, and the nature of the agreements entered into with the immigrants; and to consider and report whether it is necessary to establish a Colonial Protectorate for this class of immigrants.

*Members of the Committee* Henry Parkes; Matthew Henry Marsh; Henry Grattan Douglass; James Macarthur; The Solicitor General (William Montagu Manning); Terence Aubrey Murray; Charles Cowper; Arthur Tod Holroyd; The Attorney General (John Hubert Plunkett); William Henry Suttor.

*Witnesses examined by the Committee* Andrew Shortrede, former editor of the *China Mail* newspaper; Gordon Sandeman, of Moreton Bay; employer of Chinese and Indian hill coolies; Robert Towns, magistrate and ship owner; John Ramsden Homan, master of the ship *Palmyra*; Hutchinson Hotherstall Browne, Immigration Agent.

*Report of the Committee* The Committee reported on 30 November 1854/93 and the Report and Evidence were printed. The Committee noted that the evidence showed that “The influx of Chinese labourers...has been limited to about 2,400 male adults, while the number of Indian coolies introduced does not appear to have been more than 86...[All the Indians] appear to have been engaged in India as domestic servants, the only mode of engagement permitted by the present state of the law, which prohibits their removal to the Australian colonies as outdoor labourers...in the Colony, they have been chiefly employed as shepherds...[One witness] states that the reports from employers in the country, who have tried the experiment of Chinese labor, are generally unsatisfactory;[while another was] of opinion that Asiatic labor will be found indispensable for the general purposes of colonisation in the Northern Districts where...it has now become absolutely necessary for successfully carrying on the business of sheep farming, as the intertropical [sic] heat is too intense for the European constitution...Some important facts have been elicited with regard to the distinct matters of enquiry referred to your Committee, viz:- 1. The chartering and victualling of ships employed in the immigration trade. 2. The nature of the agreements entered into with the immigrants. 3. The necessity or advisableness [sic] of establishing a Colonial Protectorate for this class of immigrants...[Another witness] a gentleman of superior education and intelligence [said the manner in which the Chinese coolies were recruited] is a great deal like kidnapping...most of those who have been brought here by employers, have been brought in the most indiscriminate manner. So long as they are Chinamen...it does not seem to matter whether they all speak the same language, or whether they are sent from districts which are at feud with each other at home...The agreements under which Chinese labourers have been brought to the Colony are not inequitable in point of form;

but there seems strong reason to doubt whether the nature of them can have been comprehended by the emigrants.” The Committee said that it believed that “establishing a Colonial Protectorate for this class of person...in the event of this species of immigration being again resorted to, will be absolutely necessary, both for the purpose of securing justice to the friendless immigrant and as a measure of precaution against the introduction of malignant and infectious diseases...[However] your Committee are of opinion that, with the prospect of a continuous stream of population from the mother country, all ideas of a renewal of Asiatic immigration, at private expense, will be abandoned”. As to Eurasian immigrants of whom there had been 185...they are described as intelligent and respectable young men, for the most part well conducted and better educated...[but are] from physical weakness and habits of effeminacy unsuited to the wants of the Colony”. They were not at risk as were the Chinese and Indian coolies. “On the whole our Committee are of opinion that there is no necessity for any immediate Legislation in the matter referred to them”. On 1 December 1854/94 the Council resolved to advise the Governor General that “in event of a renewal of Asiatic Immigration” he should “carry into effect the recommendation...[for] a Colonial Protectorate”.

#### **1854/41 COMMITTEE ON THE BONDED STORE SYSTEM**

*Background* On 4 July 1854/14 Alick Osborne requested “a Return of all Licensed Bonded Stores in the Colony...[and] a Return of the quantity of Spirits and Tobacco...distinguishing the quantities entered by the respective proprietors of the Bonded Stores”.(A bond or bonded store is a secure warehouse where dutiable goods are stored under Customs supervision until the duty is paid, for instance once a buyer has been found and money for the duty is available.) On 25 August 1854/41 Osborne moved the appointment of a Committee “to inquire into and report upon the working of the Bonded Store system, and the collection of the Customs Duty connected therewith”.

*Members of the Committee* Alick Osborne; The Attorney General (John Hubert Plunkett); The Collector of Customs (John George Nathaniel Gibbes); Charles Cowper; James William Bligh; George Allen; James Martin; Henry Parkes; Robert Campbell.

*Witnesses examined by the Committee* David Nash, Warehouse Keeper of the Bonded Stores; William Allmand, employee of the bonded store of Campbell and Co.; George Norton Russell, Export Officer in the Customs Department; John George Nathaniel Gibbes, Collector of Customs; John Nicholas Beit, merchant; Charles Muddle, a landing waiter in the Customs Department; John Gough Waller, wine and spirit merchant; John Wedderburn, wine and spirit merchant; Frederick Garling, Landing Surveyor in the Customs Department; Michael Metcalfe, a Customs House agent; James Clegg Taylor, an importer of wines and spirits.

*Report of the Committee* The Committee reported on 30 November 1854/93 and the Report and Evidence were printed. It was obvious from the evidence of some of the witnesses that there was disquiet about the operation of the bonded warehouse system. There were at the time twenty-two Bonded Stores, each owner setting his own charges. No Stores were regulated. The Committee observed that each store was licensed by the Collector of Customs; but some were remote from the wharves where cargoes were discharged, and some were “not perfectly adapted for Bonded stores...the Bonded Storekeeper gives no security whatever for the duty or safe custody of the goods

committed to his charge, and is not liable for loss, waste, or leakage in any way whatever, a custom of usage entirely at variance with that which obtains in England...the rates of store-rooms and charges for 'Bonded goods' are entirely at the discretion of the Proprietor, whose practice is to vary and augment the rent, from time to time, as suits his own interest, and from whose arbitrary demands there is no appeal". Having made these observations, the Committee recommended "that proprietors of licensed stores should be required to give ample security for the duty, as well as the safe custody of the goods in their charge; that the rent and charges should be fixed and uniform, (by taking the average of the last five years, or such other method as may be practised in England)...[and] that where [as many as] twenty-two stores are licensed an officer is required for the special surveillance of such stores, whose duty should be to visit all the stores once or oftener every day, and exercise a general superintendence of the lockers and tide-waiters, which your Committee would be beneficial to the Revenue".

#### **1854/44 COMMITTEE ON IMMIGRATION**

*For other Immigration Committees see 1854/58*

*Background* The Committee which had been appointed on 27 June 1854 continued to sit. For its first Progress Report and the membership of the Committee see above 1844/10. On 31 August 1854/44 the Governor General by Message no. 36 proposed the draft of *A Bill to amend the Assisted Immigration Act*. The Bill had its second reading on 28 September 1854/58 and was referred to the Committee.

*Report of the Committee* A second Progress Report was tabled on 26 October 1854/74. In it the "Committee, having carefully considered the Bill...now bring up the Bill in the shape in which they would recommend its adoption..." For the Final Report of the Committee *see below* 1854/58.

#### **1854/44 COMMITTEE ON COLONIAL ALLOWANCES TO ARMY AND NAVY**

*Background* On 31 August 1854/44 the Colonial Secretary moved the appointment of a Committee "to inquire into and report upon the proper Colonial Allowances that ought to be made to the Army and Navy serving in New South Wales".

*Members of the Committee* The Colonial Treasurer (Francis Lewis Shaw Merewether); Phillip Parker King; The Post Master General (William Howe Christie); John Rose Holden; John Dobie; Charles Cowper; Henry Parkes; James Macarthur; Charles Wray Finch.

*Report of the Committee* The Committee reported on 5 September 1854/46 and the Report was printed. The proposed scale (printed in full in the record) ranged from The Commanding Officer 15 shillings a day to Sergeants and Corporals 1 shilling a day, and Privates 6 pence a day.

*Background* On 11 August 1854/35 John Gunning, stone mason of Ipswich, petitioned the Council “representing that in November 184 he entered into a contract for the erection of a Bridge at Yass, and of Approaches thereto; that he fulfilled his contract as early as circumstances would permit, and that he has been unable to receive payment, and praying relief”. His workmanship on the bridge had been under criticism on the grounds that it was unsatisfactory; the bridge had been mostly destroyed by the last floods. The Warden and others acting for and on behalf of the Crown had refused to authorise payment of Mr Gunning’s account. To take into consideration Gunning’s Petition the Council appointed a Committee.

*Members of the Committee* Robert Campbell; The Attorney General (John Hubert Plunkett); The Auditor General (Francis Lewis Shaw Merewether); William Bowman; Charles Cowper; James William Bligh.

*Witnesses examined by the Committee* Edmund Thomas Blacket, Colonial Architect; Patrick Joseph Downey, architect, of Sydney.

*Report of the Committee* The Committee, having examined the two witnesses, and having read the “voluminous correspondence and documents” which had been tabled on 1 July 1852 when the matter was first considered”, felt that, “upon a full review of the whole case...the evidence is of a very contradictory nature”. Blacket, who had not seen the now-non-existent bridge but who had since visited the site said that no plans or specifications for the bridge appeared to be held in the Colonial Architect’s office, but in any case the construction of the bridge had been before he took office. Blacket, informed by members of the local community, and by a report privately prepared by the foreman of works in the Colonial Architect Department, was highly critical of the work. Downey, on the other hand, although freely admitting that the construction of the bridge had probably been of a poor standard, pointed out that if Gunning, the bridge builder, had simply built to the plans and specifications provided to him, should not be held liable for unsatisfactory work. (“Will you look at this plan which has been furnished to the Committee, and read that part of the specification...relating to the packing or filling in of the piers, and give your opinion as to the work described in that plan? In the absence of the original plan...my opinion is that no other construction can be put upon this specification than that it was to be filled in with rubble work...it does not state what the piers are to be filled in with...If the Government is not in a position to produce the original plans...showing that the contractor has not carried out the contract in accordance with such plans &c, he is entitled to compensation”. The Committee concluded “that the case is one which ought to be decided by a Jury; as a Court of Law would appear to be the only tribunal before whom the real merits will ever be brought out, and they recommend that the Crown should consent to be sued by Gunning, in order that he may have the fullest opportunity of obtaining redress, should he be enabled to prove that justice has not been done to him”.

*Background* On 1 September 1854/45 Henry Grattan Douglass introduced *A Bill to authorize the continuation of a Railway from Minmi to Hexham*. The Bill was referred to a Committee for consideration report on 5 September 1854/46, and on 12 September

1854/50 a Petition from John Malcolm and from James and Alexander Brown against the passing of the Bill unless compensation was paid to the Petitioners.

*Members of the Committee* Henry Grattan Douglass; George Bowman; Charles Cowper; William Dumaresq; Daniel Egan; Edward Flood; Phillip Parker King; George Robert Nichols; Alexander Park.

*Witnesses examined by the Committee* [Gilbert Wright, solicitor, appeared on behalf of the promoters of the Bill. John Williams solicitor, appeared on behalf of the petitioners against the Bill] John Eales, part owner of a coal mine at Minmi; John Higham, surveyor and civil engineer; Alexander Brown, owner of land expected to be coal-producing.

*Report of the Committee* The Committee reported on 6 October 1854/63 and the Report and Evidence were printed. The Petition had asked “that this Bill may not be passed without sufficient compensation to Petitioners, and that the whole of the Railway be thrown open to public use upon payment of a reasonable toll, to be fixed by the Council”. The Committee advised the Council that “having taken the Evidence of several individuals interested, and the Solicitors on both sides having mutually agreed to the amendment of several clauses, your Committee considered the Preamble to have been proved” and recommended the Bill to the Council. It was *passed* on 26 October 1854/74.

## **1854/50 COMMITTEE ON THE BANK OF NEW SOUTH WALES (AMENDMENT) BILL**

*See also* 1852/21, 1852/14

*Background* On 24 June 1852/14 a Select Committee had recommended that the *Bank of New South Wales Bill* should be passed, with some amendments. However, when the Act reached the Colonial Office in London the provisions that Bank Notes issued by the Bank of New South Wales in accordance with its Act might in part be based on the unknown value of unassayed gold, and on the value of Government Securities, as well as on coin, the Secretary of State while conceding that this might have been a necessary expedient in the particular circumstances of the time, stated that it could not be considered appropriate as a continuing practice. In view of this, unless was advised that the Bank of New South Wales Act had been amended to take this into account, the Act would expire on 5 July 1855; this would give the Bank time to seek the Legislative Council’s approval of the required amendments. Accordingly, on 8 September 1854/49 Charles Cowper, on behalf of the Bank of New South Wales, introduced a *Bill to amend the existing Act*, and on 12 September 1854/50 the Council referred the amending Bill to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; John Dobie; Phillip Parker King; The Solicitor General (William Montagu Manning); James Martin; Augustus Morris; Henry Osborne; Alexander Park; Henry Stuart Russell.

*Witness examined by the Committee* Alexander Stuart, Secretary to the Bank of New South Wales.

*Report of the Committee* The Committee reported on 1 November 1854/77 and its Report and the Evidence were printed. The Council considered the Report in Committee on 9

November 1854/82 and the Bill was passed as *An Act to amend...an Act to Incorporate the Proprietors of ...the Bank of New South Wales, and for other purposes therein mentioned*. The effect of the amended Act was to allow the Bank to return to its original Act of Incorporation, with power to issue bank notes backed by assayed bullion and by coin. The full text of the Despatch from the Duke of Newcastle, Secretary of State for the Colonies is printed in association with the Report and Evidence.

**1854/52 COMMITTEE ON THE COMMERCIAL BANK AMENDMENT BILL**

*See also* 1852/83

*Background* The Commercial Banking Company of Sydney was, like the Bank of New South Wales, empowered to issue Bank Notes, and was subject to the same objections raised by the Secretary of State for the Colonies. For a discussion of the issues faced by the Bank of New South Wales see above 1854/50: those for the Commercial Bank were so similar that there is no need to recount them. An amending Bill was introduced on 12 September 1854/50 by Charles Cowper, and was referred by the Council to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; John Dobie; William Dumaresq; Edward Flood; The Solicitor General (William Montagu Manning); James Martin; Alexander Park; Thomas Ware Smart.

*Witness examined by the Committee* John Taylor, Manager of the Commercial Bank.

*Report of the Committee* The Committee reported on 1 November 1854/77 and the Report and Evidence were printed. The Council considered the Bill in Committee on 9 November 1854/82 and it was *passed* on 10 November 1854/82 as *An Act to amend An Act to Incorporate the Proprietors...of the Commercial Banking Company of Sydney, and for other purposes therein mentioned*.

**1854/54 COMMITTEE ON THE COOK'S RIVER BRIDGE BILL**

*See also* 1851(2)/22

*Background* A new bridge over the Cook's River was proposed to be built, at no expense to the Government, by Piddocke Arthur Tompson and T J Fisher, the owners of the land on each side of the river. The bridge would benefit the two owners, and would shorten the distance to the Illawarra District. On 20 September 1854/53 Arthur Tod Holroyd *introduced A Bill to form and make a Dam or Bridge across the River called Cook's River*; on the following day the Bill was referred to a Committee for consideration and report.

*Members of the Committee* Arthur Tod Holroyd; The Solicitor General (William Montagu Manning); Edward Broadhurst; George Allen; George Barney; Henry Parkes; Daniel Egan; Augustus Morris.

*Witness examined by the Committee* Piddocke Arthur Tompson

*Report of the Committee* The Report of the Committee and the Evidence were tabled on 17 October 1854/68. The Committee recommended the Bill to the Council, and after debate by the Council in Committee was *passed* on 3 November 1854/79.

*Background* For the two Progress Reports of this Committee *see above* 1854/10, 1854 44. On 13 September 1854/51 following the Governor General's Message no. 36, on the motion of the Solicitor General William Montagu Manning, *A Bill to amend the Assisted Immigration Act* was read a first time. After debate on the second reading of 28 September 1854 the Bill was referred to the Committee on Immigration for consideration and report.

*Members of the Committee* *See above* 1854/10

*Witnesses examined by the Committee* Hutchinson Hothersall Browne, Agent for Immigration; John Walker, proponent of the Direct Remission System of Immigration, and Agent for the Highland and Island Emigration Society of Great Britain; Robert Archibald Alison Morehead, another supporter of Direct Remission; Thomas Holt, jnr.; John Nicholas Beit, agent who had attempted to introduce German labourers to New South Wales; John Thompson, Deputy Surveyor General; Stuart Alexander Donaldson, landowner and pastoralist.

*Report of the Committee* The Final Report and the Minutes of Evidence were tabled on 21 November 1854/87 and were printed. The Committee drew attention to the fact that the £100,00 which had been remitted to the Emigration Commissioners in England had shown that "there would seem to be no danger, for some time to come, of the recurrence of a cessation of Immigration, such as took place in the latter part of 1853 and the first six months of the present year, from the exhaustion of our funds in England...Notwithstanding the large number of Immigrants introduced in the year 1853 (10,412 souls), the Colony has sustained much injury, not merely from the high rate of wages, but from the dearth of labour, which in many places was not to be procured at any price...the total cessation of Immigration in December last...was then beginning to tell effectually and beneficially upon the labour market...it suddenly ceased and of course wages reverted to the old standard, and have gradually gone on increasing as the labouring classes became aware that there was no chance of additional people arriving to interfere with them." The Committee noted that not only was, as stated by one witness "Not half the amount of labour is obtained from the servant, than there was formerly under a more moderate rate of wages, and this is not only not beneficial to the labourer, but ruinous to the employer", but also the lack of ships chartered for immigrants had meant that free settlers had been unable to secure passages to New South Wales. The general rise in costs, especially in relation to the chartering of ships in England, had meant that the funds remitted from the Colony had been exhausted more quickly than had been anticipated; the Committee remarked that "had proper vigilance and foresight been exercised in the Colony, this ought to have been guarded against by the timely remittance of additional funds to the Commissioners in London...your Committee look upon it as most unfortunate, and in every way to be regretted, that there should not have been laid before the Council...full information as to the exhausted state of our funds in England". If more Crown Land were to be surveyed and brought on to the market, there would be a large increase in the land fund, and the payments under the Deposit and Remittance Regulations have steadily increased and "Your Committee look with much satisfaction to the progress of the experiments which are thus making...these new sources of supply seem likely to become the fountainhead of a self-sustaining and invigorating stream of Immigration, which will be productive of the most important and salutary consequences...they can feel no hesitation in recommending...raising a further sum of

£100,000 by the sale of Debentures...secured upon the Territorial Revenue, and that the above amount be remitted so as to reach England by the month of June 1855". As to the proposed Bill to amend the Assisted Immigration Act, which provided that single women should be exempted from paying for the passage, the Committee had noted that "fourteen days appears to be a longer period than it is requisite or advisable to allow the Immigrants for making their own engagements upon arrival in the Colony...the best engagements...take place within the first week...and the Bill amended accordingly limits the period to seven days". The Committee noted that "the new system of Assisted Immigration, so far as a opinion can be formed of so recent a measure, would seem to working satisfactorily...The Immigration Agent reports that he 'can speak very favourably of the class of people that have arrived under it.'" Immigration from the Canton of Berne and from Madeira which had been suggested, and from the provinces of France might be useful for some purposes, for instance, vine dressing could be desirable, "But whatever the advantage to be derived from Foreign Immigration...your Committee feel that it is to the United Kingdom that we should continue to look...as the main source for the peopling of the vast unoccupied regions of Australia, and to bringing into life their dormant resources". The Committee referred to a proposal that immigrants from the United Kingdom might be selected "by means of private agency" and considered, with some reservations, that it would "be very desirable that an opportunity should be afforded of making the experiment". Finally, the Committee said that it did not "propose on the present occasion to report their views on the question of Direct Remission\* ", since "now a copious tide of Immigration has again set in...there is no immediate necessity for entering upon the wide field of discussion into which a full consideration of the Direct Remission theory might lead them". [

*\*For an explanation of Direct Remission, which was strongly argued in evidence, see the evidence to this Select Committee of John Walker and Robert Morehead.]*

**1854/65 COMMITTEE ON THE SYDNEY SEWERAGE AND WATER APPROPRIATION BILL [AND] THE INCREASED CITY RATE BILL**

*See also for Water and Sewerage 1832/32, 1833/12, 1837/16, 1853/6, and for the Corporation of Sydney 1842/8, 1845/31, 1849/4, 1852/22*

*Background* On 30 August 1854/43, the Governor General by Message no. 35 had proposed *An Act for the better Sewerage and Cleansing of the City of Sydney, and portions of the Suburbs thereof*, and *An Act for supplying the City of Sydney and portions of the Suburbs thereof with Water*. This Message included Estimates of Expenditure "framed by the City Commissioners, who are also Commissioners for carrying into effect the whole purposes of the Acts above referred to". The Council sitting as a Committee of the whole considered the Estimates and resolved that they be adopted. On 4 October 1854/61 the Council considered a proposed resolution that the Commissioners "shall and may levy a rate of three shillings in the pound, for the general purposes of the said City, for the half year from 1 July to 31 December 1854; such rate to be computed on the existing valuation of City property". The Council considered this, again in Committee, and resolved "That this Committee is opinion that it is inexpedient to report to the House any Resolution to the effect of the proposed Resolution committed to them". A week later, on 11 October 1854/65, upon the second reading of the *Sydney Sewerage and Water Appropriation Bill*, the Council in committee resolved "That this Committee is of opinion that it is inexpedient to proceed any further with the consideration of the...Bill, until it

shall have been submitted to a Select Committee for its consideration and report". It was then resolved that Committee be appointed by ballot.

*Members of the Committee* James Martin; Henry Parkes; The Chief Commissioner of Crown Lands (George Barney); Charles Cowper; Edward Flood; Phillip Parker King; The Colonial Treasurer (Francis Lewis Shaw Merewether); John Rose Holden; George Robert Nichols; George Allen.

*Witnesses examined by the Committee* Gilbert Elliott, Chief Commissioner of the City; Thomas Livingston Mitchell, Surveyor General; Frederick Orme Darvall, one of the City Commissioners; John Rae, one of the City Commissioners; Donald Stewart, Secretary to the City Commissioners; William Boughton Rider, Engineer to the City Commissioners; John Thompson, Deputy Surveyor General; James Wallace, a civil engineer; William Henry Baron, Assistant Engineer to the City Commissioners; Dennis Guerin.

*Report of the Committee* There are two Progress Reports: the first of these is solely in relation to the *Increased City Rate Bill* which had been referred to the Committee by the Council on 1 November 1854/77. It was tabled on 8 November 1854/65 and was printed. John Rae, one of the three City Commissioners, was examined by the Committee. The Committee noted "that the Commissioners in this the first year of their existence, have incurred an outlay for 'City Purposes' at the rate of nearly £46,000 per annum, without any assurance that more than about £5,000 of that sum would be derived from any source, other than the direct taxation of the Citizens...£40,000 a year is altogether too great a sum to levy by means of a City rate...the Commissioners were injudicious in incurring so large an outlay, and [the Committee] trust that in future greater judgment will be displayed by them...the Commissioners have already overdrawn their account at the Bank to the extent of £30,000 and upwards; and that, at their present rate of expenditure, they will require about £5,000 more during the present year...Your Committee having no doubt that the City has been benefited by this expenditure, are prepared to recommend that the means should at once be provided to defray it; but they do not think that it would be either right or prudent to raise it by means of a rate of three shillings in the pound during the unexpired half of the present year...some portion of the City expenditure, as well as in this, as in future years, ought to be defrayed out of the General Revenue...and they [agree in the proposals by the Governor General in 1852 and 1853]...to endow the City to the extent of £10,000 per annum...the proposal to apply from the General revenue the sum of £20,000 for the years 1852 and 1853, and that a further sum of £10,000...ought to be placed upon the Estimates of expenditure for the ensuing year...in addition...the Commissioners should be allowed to levy, during the remainder of the present year, a rate of one shilling in the pound on the old assessment...a new assessment had been made of the City property [but appeals made or to be made are likely to decrease the rate revenue and] as the new assessment cannot be considered to be yet complete, your Committee do not think it is possible now to fix, with any degree of justice, the rate which the Commissioners should be authorized to levy next year...your Committee would therefore recommend—(1) That the Bill...be amended by reducing the proposed rate from three shillings to one shilling.(2)That a clause be inserted...prohibiting the raising, during the first half of the year 1855, by means of a City rate, of any sum exceeding £10,000. (3) [That the Governor General be requested to place] upon the Estimates for the present year the sum of £20,000...in aid of the City funds and...for next year...£10,000." This recommendation was adopted by the Council on 9 November 1854/82. The second Progress Report, tabled on 29 November 1854/65, dealt with the case of Dennis Guerin, which had been referred to the

Committee on 17 November 1854/86. Guerin had been a Messenger to the City Council; after eleven year's service had been "discharged on the dissolution of the Body, and with only one month's pay offered to him by way of compensation for the loss of his Office, to which a stranger was appointed, and praying inquiry and redress". The Committee simply said that it had considered the Petition of Dennis Guerin...and have examined Mr Rae, one of the City Commissioners...Your Committee are of opinion that Guerin has not made out any case for the interference of your Honorable House". The Final Report dealt with the prime function of the Committee, the matter of water and sewerage for the City of Sydney and some of its suburbs. It is, perhaps, not unfair to conclude from the Report and the Evidence (both of which were printed) that the three Commissioners who were appointed to run the City after the City Council was dissolved were at best somewhat inexperienced and of necessity could only act on advice from others on matters of importance about which they knew little. The Committee's Report was tabled on 29 November 1854/65. It reported under four headings: The Trigonometrical Survey, The Engineer, The Commissioners, and General Recommendations. (1) The Survey. "Your Committee took considerable pains to ascertain, whether or not, the expensive and protracted Survey of the City, which has been going on for several months past, was absolutely necessary, and, if necessary, whether or not, some portion at all events of the main Sewers of the City, might not have been proceeded with before the completion of that Survey". The Commissioners had been informed by their Engineer that the Surveyor General's Office had informed him that no such plan was held there, but that was not the case...but the Engineer said that none of the plans "were of the character required, to form the basis of a complete system of sewerage...[However] the Committee...incline to the opinion, that a survey such as the Engineers are now making, will, if accurately performed, be of great value, not only for the sewerage and water supply, but also for other important purposes connected with the City...[but] they cannot but think...[that it] might have been completed in very much less time...and at an expense considerably less than it has already cost...Neither the City Engineer or his assistant gave them any clear and satisfactory, reason why so long a period as nine months has been allowed to elapse without any commencement having been made with any main sewer in the City. (2) "Your Committee examined the Engineer, [John Rider] at great length, in order to ascertain what conclusion he had come to with respect to the Sewerage and Water Supply, but more especially the former; and also, with the view of enabling them to form some opinion of his fitness to carry out such works". As the Evidence shows, there was considerable inquiry as to the materials from which the sewers should be built. It appeared that all expert opinion was that the best material was hard burnt brick: the Committee concurred, with the proviso that only the very best materials should be used. However, on other matters it was highly critical: "Respecting the size and direction of the sewers, your Committee failed to obtain any definite information. The City Engineer appears to have determined upon a maximum size of the main sewers, without having made any calculation of the areas to be drained, the probable declivity, or the amount of storm water, which past experience would teach him to expect in any given period of time...your Committee have no hesitation in expressing their most decided dissent...the conclusions arrived at by engineers in the mother country, with reference to a state of things different from that which exists here, should [not] be adopted as a matter of course in this Colony...Your Committee cannot take upon themselves the responsibility of giving any opinion, founded on his answers to... questions, upon the competency of the City Engineer, but without denying the propriety of his appointment, or doubting his capacity or experience, they cannot but say, that many of the answers given by him...do not show that the Commissioners, in appointing him, made a happy selection...Enquiry was made...into the truth of certain

statements put forth, as to the possession by the City Engineer of a brick yard, which possession was thought to be incompatible with his situation as such Engineer. It appears that he has parted with his interest in that brick yard to the Commissioners. The sale to the commissioners, however, did not take place until the matter had been publicly alluded to in your Honorable House and elsewhere. It would have been as well, if the Commissioners had required the engineer to give up his brick yard at an earlier period.

(3) The Commissioners. “Your Committee have made enquiry into the duties of the Commissioners...[and] were surprised to find that...[they] have not thought it necessary to call upon the Engineer for a full and complete report in writing of his plans...in order to enable them to judge of the propriety of the course proposed to be taken...There are few public works of greater...magnitude, and none of greater importance, than the drainage and water supply of a City such as Sydney”. The Committee raised the possibility in due course of appointing a sole Commissioner rather than three Commissioners but advised against any immediate action. It expressed concern, however, about the way the Secretary to the Commissioners was appointed...”strong disapproval, of the course adopted by the Commissioners, in appointing a mere stranger on such a (unsatisfactory) testimonial...in preference to persons long resident in the Colony, whose fitness was well known and acknowledged...Among the important duties...[of] the Commissioners, the providing for the cleanliness of the City...calls for the most immediate and vigilant attention”. Scarletina, cholera and “all other cognate diseases generate from the accumulation in thickly-peopled localities, of filth which the criminal ignorance or negligence of those in power permits to accumulate...Upon the whole, your Committee think that they are justified in stating it as their opinion, that the Commissioners have not availed themselves of the various powers to ensure cleanliness, to such extent as the exigencies of the city require”. (4) General Recommendations. “Considering the magnitude of the Sewerage and the Water-works...your Committee would urge upon the commissioners, the propriety of interposing every available check upon the proceedings of their Engineer...before allowing any part of the...Works to be constructed, a full report in writing should be given to the Commissioners, of the work to be performed, with full reasons...an ample supply of water should be provided, by means of engines if necessary, to insure the carrying off, immediately and at all times, all matters committed to any sewer. Unless this be done, the sewerage instead of being a benefit, will be a curse to the community, and some hundreds of thousands of pounds will have been expended only to make it more certain, the periodical inroad of the most fatal diseases...[Finally] Your Committee have considered the plan which the Commissioners intend to adopt of making their own bricks...they would remark, that works of this kind are seldom undertaken with advantage by a public department...In conclusion your Committee would recommend the passing of the bill submitted to them for their report”. The Council in Committee adopted the Bill with amendments on 30 November 1854/93 and it was passed on 1 December 1854/94 as *An Act for applying certain sums raised under the Sydney Sewerage Act of 1853, and the Sydney Water Act of 1853, for the service of the Years 1854 and 1855*.

## **1854/70 COMMITTEE ON THE PUBLIC WORKS LOAN BILL**

*Background* On 17 October 1854/68 the Governor General, by Message no. 50, sent to the Council a draft of *A Bill to authorise the immediate execution of certain Public Works of a permanent character, by means of Loans secured upon the General Revenues of the Colony*. The Bill had its second reading on 19 October 1854/70 and was referred to a Committee for consideration and report.

*Members of the Committee* The Colonial Treasurer (Francis Lewis Shaw Merewether); Thomas Barker; The Chief Commissioner of Crown Lands (George Barney); Charles Cowper; Edward Flood; Arthur Tod Holroyd; James Macarthur; James Martin; The Inspector General of Police (William Colburn Mayne); The Auditor General (John Stirling).

*Witnesses examined by the Committee* George Barney (Chief Commissioner of Crown Lands); William Weaver (Colonial Architect).

*Report of the Committee* The Report of the Committee and the Evidence were tabled on 17 November 1854/86 and were printed. The Committee first reported on the military works which were being undertaken under the supervision of Colonel Barney; these were well in hand and would be completed according to the original estimate of £40,000 if the £30,000 proposed in the Bill was approved, and provided that a party of convicts, already applied for, became available. On other projects already in progress, or proposed to be built, the Committee was in general satisfied with arrangements made. The Committee gave careful consideration of the materials proposed to be used: some reductions in size were recommended and some work (for instance the extension of the Darlinghurst Court House should be postponed until the Council in the next Session could reassess the need for it). On the other hand, the plans sent out from England for the new General Post Office had been considered to be unsatisfactory, and when new plans were prepared they should be for a building “of sufficiently imposing character to be worthy of the City or of the site which been provided for the building”.

## **1854/73 COMMITTEE ON THE BUILDING BILL**

*Background* On 10 October 1854/64 the Governor General, by Message no. 45, had proposed *A Bill for regulating the construction of Buildings and Party-walls, and for preventing mischiefs by Fire in the City of Sydney; and to repeal certain former Acts relating thereto*. The Bill had its first reading on 18 October 1854/69, and on 25 October 1854/73 on the motion of George Robert Nichols it was referred to a Committee for consideration and report.

*Members of the Committee* George Robert Nichols; George Allen; Thomas Barker; Robert Campbell; Daniel Egan; Edward Flood; The Solicitor General (William Montagu Manning); Henry Parkes.

*Report of the Committee* It is doubtful whether the Committee sat during 1854, and the Bill lapsed at the end of the Session. A new Bill was proposed by the Governor General on 4 July 1855/13. The second reading of *the Sydney Building Bill* was set down for 20 September 1855/53 but on the motion of the Attorney General it was discharged from the Notice Paper. The basis for this is not stated in the Votes and Proceedings. On 5 November 1856 John Hay obtained leave to bring in *A Bill for regulating the Construction of Buildings and Party Walls, and for preventing mischief by Fire, in the City of Sydney and portions of the Suburbs thereof*, but this was not presented, perhaps because Hay could not find a seconder (or perhaps because the power of the building industry prevailed!)

*Background* On 18 October 1853/69 the Governor General by Message no.46 proposed *A Bill for the formation and regulation of a Fire Brigade, and to authorise the destruction of buildings, with a view to prevent the extension of fires within the city of Sydney.* The Bill had its second reading on 26 October 1854/74 and was considered by the Council in Committee. The Council in Committee considered it further on 3 November 1854/79 and resolved “that it is inexpedient to proceed further with the consideration of the *Fire Brigade Bill* until it shall have been submitted for the consideration and report of a Select Committee”. Henry Parkes then moved the appointment of a Committee.

*Members of the Committee* Henry Parkes; Thomas Barker; Robert Campbell; Charles Cowper; Edward Flood; Arthur Tod Holroyd; The Solicitor General (William Montagu Manning); Thomas Ware Smart.

*Witnesses examined by the Committee* John M'Lerie, Metropolitan Superintendent of Police; John Nicholas Beit, merchant; with some connection with a fire insurance company; George King, having a connection with the Alliance Fire Insurance Company of London; Alfred Stanger Leathes, having a connection with the Liverpool and London Fire Insurance Company; Thomas John Bown, a fire engine engineer; James Sutherland Mitchell, Secretary to the Sydney Fire Insurance Company; William Fanning, a representative of the Imperial Fire Office [a London company]; Thomas Whistler Smith, agent for the Royal Insurance Company of Liverpool; George Thorne, representative of the Tamar Fire and Marine Insurance Company of Launceston, Van Diemen's Land; William Francis Molesworth, having a connection with the Northern Assurance Company of London.

*Report of the Committee* The Committee reported on 24 November 1854/90 and the Report and Evidence were printed. “Your Committee have examined several Witnesses, including the Metropolitan Superintendent of Police, and Gentlemen on behalf of nearly the whole of the Fire Insurance Companies. The evidence clearly proves that the formation of a Fire Brigade...is a matter of urgent necessity for the safety of the City; and the principle of the Bill, as to the officers and men of such Brigade being deemed part of the Police Force...is also supported by the evidence....a special rate on the ‘whole property of the City, according to its assessed value’, under the collection of the City Commissioners, is fully concurred in [by the witnesses]...It appears highly necessary...that the Brigade should be invested with power to pull down buildings to arrest the progress of fire, in cases of great danger, and the provisions of the Bill, in this respect are not objected to...[but] the clause...by which it is provided that, in cases where it is found necessary to pull down buildings insured in any of the Fire Insurance Offices, the policies shall be paid by such Offices, in the same manner as in the case of destruction by fire...is strongly opposed by a majority of the witnesses, who maintain that it is unjust in principle, and would operate very oppressively on the interests of their respective Companies...Your Committee recommend that the principle of this clause should be abandoned; and that provision should be made, by a rate levied in the same manner as for the support of the Fire Brigade, to raise a fund for compensation to all persons whose properties may be destroyed in this service.” The Council in Committee considered the Report on 29 November 1854/92 and after debate “obtained leave to sit again this day six months”. This may have been a delaying tactic since in six months time the Bill would have lapsed, but the end of the 1854 Session was close and Governor Fitz Roy was about end his term of office; the Session was prorogued on 2 December

1854/95. . On 12 June 1855/4 the new Governor General, Sir William Thomas Denison, raised the matter again by Message no. 15 which transmitted *A Bill for the formation and regulation of a Fire Brigade*.

#### **1854/82 COMMITTEE ON THE ST PAUL'S COLLEGE INCORPORATION BILL**

*Background* The proposed Church of England St Paul's College was to be one of the affiliated Colleges of the newly formed University of Sydney. The Government had already made provision for the endowment of this and other Colleges but until that endowment was guaranteed by an Act of the Legislature the College would not be able to bring a person from England to act as the first Warden of the College. On 8 November 1854/81 Charles Cowper introduced *A Bill to Incorporate St Paul's College as an Affiliated College within the University of Sydney*. The Bill was referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; James William Bligh; Henry Grattan Douglass; Charles Wray Finch; Edward Flood; James Macarthur; The Solicitor General (William Montagu Manning); The Colonial Treasurer (Francis Lewis Shaw Merewether); Henry Parkes; James Martin.

*Witness examined by the Committee* Robert Johnson, one of the Joint Secretaries to the Committee of St Paul's College.

*Report of the Committee* The Committee reported on 17 November 1854/86 with a recommendation that the Bill be *passed* without amendment. The Report and Evidence were printed.

#### **1854/82 COMMITTEE ON THE PYRMONT BRIDGE COMPANY'S BILL**

*Background* On 8 November 1854/81 George Robert Nichols *introduced A Bill to Incorporate the Pyrmont Bridge Company* and on the following day the Bill was referred to a Committee for consideration and report.

*Members of the Committee* George Robert Nichols; Thomas Barker; The Chief Commissioner of Crown Lands (George Barney); Thomas Ware Smart; Henry Parkes; George Allen; The Postmaster General (William Harvie Christie); Phillip Parker King; The Inspector General of Police (William Colburn Mayne).

*Witnesses examined by the Committee* Charles Lowe, Solicitor to the Pyrmont Bridge Company; Thomas Livingstone Mitchell, Surveyor General; Edwin Moriarty, civil engineer; Walter Beames; George Wigram Allen, Treasurer to the Pyrmont Bridge Company.

*Report of the Committee* The Committee reported on 28 November 1854/91. "Your Committee having considered the Bill...and...examined various witnesses, have arrived at the conclusion that the Bill in question is of so much importance to both public and

private interests, that further investigation is necessary before it be passed into law...further consideration should be postponed until the next Session...”

**1854/82 COMMITTEE ON THE NORTH SHORE STEAM COMPANY'S BILL**

*Background* On 8 November 1854/81 George Robert Nichols introduced *A Bill to Incorporate the North Shore Steam Company*. On the following day the Bill was referred to a Committee for consideration and report.

*Members of the Committee* George Robert Nichols; Arthur Tod Holroyd; Augustus Morris; Saul Samuel; Daniel Egan; Henry Grattan Douglass; James Macarthur; The Chief Commissioner of Crown Lands (George Barney); Thomas Barker.

*Witnesses examined by the Committee* Charles Lowe, Solicitor for the North Shore Steam Company's Bill; William Maguire, Secretary to the Company.

*Report of the Committee* The Committee reported on 17 November 1854 and the Report and Evidence were printed. The Committee recommended the Bill, with amendments, to the Council

**1854/84 COMMITTEE ON THE WATERVIEW BAY DRY DOCK COMPANY'S BILL**

*Background* On 10 November 1854/83 George Robert Nichols introduced *A Bill to enable the Proprietors of the Waterview Bay Dry Dock, in the Hamlet of Balmain, near the City of Sydney, in the Colony of New South Wales, to purchase land for the extension of such Dock, and to construct additional Docks, and also to make and maintain, at Waterview Bay aforesaid, in connexion with such Dock, a certain Quay or Wharf fronting to Port Jackson, and to make roads and approaches thereto*". On 15 November 1854/84 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* George Robert Nichols; Arthur Tod Holroyd; William Thurlow; Augustus Morris; Edward Flood; George Allen; Thomas Ware Smart; Thomas Barker; Henry Parkes.

*Witness examined by the Committee* James Sutherland Mitchell, co-proprietor of land at Waterview Bay.

*Report of the Committee* The Committee reported on 21 November 1854/87 and the Report and Evidence were printed. The Committee advised the Council that the Bill, with some amendments, should proceed. A Petition “from certain Holders of Land at and in the vicinity of Waterview Bay, praying that the Council will not pass this Bill” was presented by Henry Parkes on 28 November 1854/91. The Bill was further considered by the Council in Committee on 29 November 1854/92 and 30 November 1854/93, but the Council was prorogued on 2 December 1854/95 and consequently the Bill lapsed. It was re-introduced in the 1855 Session on 25 September 1855/55 and on 27 September 1855/57 was referred to a Committee for consideration and report, for which *see below* 1855/57.

## 1854/90 COMMITTEE ON THE PENNANT HILLS TRAMROAD BILL

*Background* On 21 November 1854/87 George Robert Nichols proposed “the introduction of a *Bill to enable the Commissioners for the City of Sydney to construct a Tram-road from the Quarry at Pennant Hills to the Parramatta River*”. The Bill had its first reading on 23 November 1854/89 and on 24 November 1854/90 it was referred to a Committee for consideration and Report.

*Members of the Committee* George Robert Nichols; The Attorney General (John Hubert Plunkett); Henry Parkes; Augustus Morris; George Barney; Henry Watson Parker; Thomas Ware Smart.

*Report of the Committee* The Report of the Committee and the Evidence were tabled on 28 November 1854/91 and were printed. The Committee recommended that the Bill be *passed* with amendments.

## Session of 1855

### 1855/1            **COMMITTEE TO PREPARE A REPLY TO THE GOVERNOR GENERAL'S ADDRESS OPENING THE SESSION**

*Members of the Committee* George Robert Nichols; James Martin; The Solicitor General (William Montagu Manning); Arthur Tod Holroyd; The Colonial Secretary (Campbell Drummond Riddell); The Colonial Treasurer (Francis Lewis Shaw Merewether); Charles Cowper; Stuart Alexander Donaldson; William Macleay.

*Report of the Committee* As usual, the Committee recommended that the Council should respond with appreciation to the Governor General's proposals on such subjects as education, the establishment of municipalities, railways, the recommencement of postal communication by steam, immigration, the administration of justice in remote districts, and the defences of the Colony. The Council approved the draft and it was formally presented to the Governor General on 6 June 1855.

### 1855/2            **COMMITTEE ON STANDING ORDERS**

*Members of the Committee* The Colonial Secretary (Campbell Drummond Riddell); The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Henry Watson Parker; James Macarthur; George Robert Nichols; Charles Cowper; Edward Broadhurst; Arthur Tod Holroyd; James Martin.

### 1855/2            **LIBRARY COMMITTEE**

*Members of the Committee* The Colonial Secretary (Campbell Drummond Riddell); Henry Watson Parker; The Speaker (Charles Nicholson); The Attorney General (John Hubert Plunkett); Stuart Alexander Donaldson; James Macarthur; Phillip Parker King; Charles Cowper; George Robert Nichols; James Martin.

### 1855/3            **COMMITTEE ON ELECTIONS AND QUALIFICATIONS**

*Members of the Committee* George Allen; James William Bligh; James Chisholm; Phillip Parker King; James Macarthur; Edward Broadhurst; John Bayley Darvall.

### 1855/3            **COMMITTEE ON DESTITUTE CHILDREN**

*See also* 1852/29, 1853/3, 1854/3, 1854/94

*Background* On 7 June 1855/3 James Martin proposed the appointment of a Committee "to inquire into and report upon the best means of providing for Destitute Children and preventing Juvenile Delinquency.

*Members of the Committee* James Martin; Francis Lewis Shaw Merewether; Charles Cowper; Augustus Morris; George Robert Nichols; Edward Flood; William Macleay; Phillip Parker King; Henry Grattan Douglass; George Allen.

*Report of the Committee* The Committee reported on 19 December 1855/104 as follows: “Your Committee are not prepared this Session to go fully into the matters on which they were directed to Report. They think that the new Parliament, under all the circumstances, will be the most appropriate body to deal with a question, the difficulty of which is, perhaps, as great as its importance”. For *An Act to Incorporate and otherwise promote the objects of the Society for the relief of Destitute Children* see 25 February 1857/94.

#### **1855/4 COMMITTEE ON EDUCATION**

*See also* 1844/17, 1848/1, 1854/28

*Background* On 12 June 1855/4 Charles Cowper moved “That the Select Committee of 1854 be re-appointed”.

*Members of the Committee* [For the names of the Committee members see above 1854/28]

*Witnesses examined by the Committee* Revd James Fullerton; Revd John Dougall; Maxwell Thomson.

*Report of the Committee* The Report of the Committee and the Evidence taken were tabled on 4 December 1855/94. The evidence was solely on account of a property dispute between Maxwell Thomson, a teacher and Presbyterian Church authorities. The Committee made no reference to Thomson’s complaint in its report, but only said “The *Education Bill* which was submitted by...the Governor General...in Message no.31 having been withdrawn, your Committee were relieved of the duty...of reporting upon that measure. The Commissioners who were appointed by the Executive Government during the Session of 1854, at the recommendation of the Select Committee on Education of that year...not having sent in their final Report, your Committee have not been in a position to prepare a report...The numerous Progress Reports which have been presented by the Commissioners will be found in the Appendix [to this Report]; and their final Report will also be laid before the Council previous to its prorogation, so that the new Legislature will be in possession of much important information, which will be useful when the question of Education is brought under consideration.”

#### **1855/4 COMMITTEE ON THE CITY COMMISSIONERS DEPARTMENT**

*See also* 1842/8 1845/31, 1849/4, 1852/22, 1854/65

*Background* By an Act assented to by the Governor General on 6 December 1852/77 the Corporation of the City of Sydney was replaced by three Commissioners. The hope had been that the replacement of the incompetent City Council by the Commissioners would result in better governance of the City, but there was a growing concern that there had not been much improvement. Arising from this, on the motion of James Martin, the Council appointed a Committee on 12 June 1855/4 “to inquire into and report upon the

proceedings of the ‘Commissioners for the City of Sydney’ from the period of their appointment”.

*Members of the Committee* James Martin; Henry Parkes; George Barney; Charles Cowper; Edward Flood; Phillip Parker King; Francis Lewis Shaw Merewether; John Rose Holden; George Robert Nichols; George Allen.

*Witnesses examined by the Committee* Gilbert Elliott, Chief Commissioner of the City Corporation; William Boughton Rider, City Engineer; William Randle, contractor for sewerage works; Frederick Orme Darvall, one of the City Commissioners; Charles Simmons; John Rae, brickmaker; Henry Mais, Assistant Engineer to the City Commissioners; James Hume, appointed to examine a report on the sewers; Edmund Thomas Blacket, Government Architect; William Edwards, former Inspector of Works and Resident Engineer on railways in Great Britain, and presently resident engineer to William Randle; John Champion, contractor; Francis Smith, contractor; William Thomas Poole; James Cowlshaw, a junior assistant in the City Engineer’s Department; William Brian, contractor; George Wilson, a civil engineer; John Carruthers, civil engineer employed by the City Commissioners; David Lennox; James Houison.

*Report of the Committee* The Committee tabled a Progress Report on 29 November 1855/93 (for which *see above*) which recommended that the Council should legislate for a rate for the last half of 1855, and for the first half of 1856, each not exceeding £10,000. The Final Report was tabled on 13 December 1855/99, proof copies on the Minutes of Evidence having previously been circulated to the Members of the Council. The Committee said that the lateness of examination of some witnesses meant that a detailed analysis of the evidence before the end of the Session had not been possible. The Committee reported that (1). “The Contract for the Sewerage Works, including the Specification and Schedule, was drawn in a most injudicious, improper and unbusiness-like manner...and generally vesting in the City Engineer an amount of discretion which common prudence would prevent anyone from conceding to any such functionary, however great his skill, or however undoubted his integrity”. (2) “That an erroneous analysis...by the City Engineer...[meant that] the Tender of Mr Randle was accepted, while the Tender of Mr Murphy was far more advantageous [which] would had it been accepted have been the means of saving many thousands of pounds to the City”. (3) “...the City Commissioners are directly blameable for allowing themselves to be misled...” (4) “the bricks and cement were to a considerable extent, of a most inferior character...” (5) “In several instances the rendering in cement...was not performed, and portions of the brickwork actually paid for...were omitted by the contractor.” (6) “That large portions of the excavations ...were made by means of tunnelling when they ought to have been made by open cuttings...which would have been about one-fourth of the expense of tunnelling...” The conclusions of the Committee go on for another 14 paragraphs, leading to the conclusion of the Committee (21) “That...the Commissioners have shewn themselves unfit to be continued in office any longer; and the City Engineers have displayed a degree of negligence, ignorance, or corruption, which renders it incumbent on the Law Officers of the Crown to enquire whether they have not brought themselves within reach of the Criminal Law.” The Committee recommended “(1) That an Address be presented to the Governor General, dismissing the three City Commissioners. (2) That the Act appointing the city Commissioners be immediately repealed, and power be given to the Governor General to nominate as a City Council until the end of next year, any twelve persons who have ever been members of the late City Council...(3) That both Mr Rider [the City Engineer] and Mr Mais [Assistant City Engineer]...be immediately

dismissed, and considered incapable of ever hereafter holding any appointment in the public service. (4) That immediate proceedings be taken to recover damages from Mr Randle, for his breach of contract, as well as the large sum which he has already been overpaid". The Council considered the Report and after a very late night sitting on 18 December 1855/103 resolved that it, including its Evidence and Appendix, be transmitted to the Governor "requesting His Excellency to cause such steps to be taken in relation to the Evidence, and such further Inquiry to be made, as the public interest demand; but at the same time informing His Excellency that this Council is not committed to the conclusions arrived at in the Report of the Select Committee". On 30 October 1856/35 *A Bill to re-establish a Municipal Council in the City of Sydney* was introduced into the Legislative Assembly; it was assented to by the Governor General on 18 March 1857/107.

#### **1855/4 COMMITTEE ON THE VOLUNTEER CORPS ACT OF 1854**

*See also* 1854/8

*Background* On 12 June 1855/4 James Martin moved the appointment of a Committee "to inquire into and report upon the working of the *Volunteer Corps Act* of 1854.

*Members of the Committee* James Martin; Charles Cowper; William Colburn Mayne, Inspector General of Police; Phillip Parker King; George Macleay; Henry Parkes; William Ward; Charles Wray Finch; John Rose Holden; George Barney, Chief Commissioner of Crown Lands.

*Witnesses examined by the Committee* Gother Kerr Mann, Commandant of the Volunteer Artillery; Major Thomas Wingate, Major commanding 1st N.S.W. Rifle Corps; Colonel Henry Keane Bloomfield, 11th Regiment, officer in command of the troops in the Colony; Captain William Browne, Brigade Adjutant of the Volunteer Corps; Captain William Meadows Brownrigg, 1st New South Wales Rifles; Gideon S Lang, member of the Volunteer Rifle Corps; William Walker, member of the Volunteer Rifle Corps; Rowand Ronald, member of the Volunteer Artillery Corps; William Morehead, Sergeant-major in the Volunteer Artillery Corps.

*Report of the Committee* A Progress Report was tabled on 19 December 1855/104 and it and the Evidence were printed. The Committee recommended (1) the erection or acquisition of a building "in which the Volunteers could deposit their arms, accoutrement, and uniforms, when not in use"; (2) "That there should be appointed, in connexion with such building, a sufficient number of paid non-commissioned officers to take charge of the arms and ammunition and keep them at all times in order". (3) "That the various Volunteer Corps should, for the present at least, form one regiment, and be placed under one head." (4) "That uniforms should be provided for the Volunteers at the public expense..." (5) "That, in the appointment of Officers, special regard should be had to the zeal and efficiency of the gentlemen selected". (6) "That, as your Committee have been informed that Sergeant-Major Baines is a very valuable Officer, they think it is desirable that the Government should secure his services, if possible, in the capacity in which it may be thought that he will be the most useful to the public".

#### **1855/8 COMMITTEE ON THE CATTLE IMPOUNDING BILL**

*Background* On 12 June 1855/4 George Robert Nichols introduced *A Bill to amend the Law relating to the Impounding of Cattle* and on 19 June 1855/8 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* George Robert Nichols; Terence Aubrey Murray; Edward Flood; George Macleay; Augustus Morris; George Bowman; William Bradley; Alexander Park; James William Bligh.

*Witnesses examined by the Committee* Gideon S Lang, grazier; Edwin Hickey, grazier.

*Report of the Committee* The Committee reported on 29 November 1855/93 and recommended to the Council that the Bill be passed with some amendments. The Bill was further considered by the Council in Committee on 4 December 1855/94 and the Bill was *passed* on 6 December 1855/96 as *An Act to regulate the Impounding of Cattle*.

## 1855/8 COMMITTEE ON CROWN LANDS

*See also* 1829/4, 1832/14, 1839/1, 1839/27, 1840/17, 1842/2/ 1842(2)/7, 1844/7, 1844/59, 1847/43, 1849/14, 1851(1)/4, 1852/6, 1852/32, 1853/10, 1854/32

*Background* On 19 June 1855/8 Charles Cowper moved the re-appointment of the “Select Committee of 1854[/32] in reference to the Waste Lands of the Crown”. That Committee had addressed the pre-emptive right of squatters to purchase land occupied by them when the land was subsequently opened up for purchase. The Chairman of the Committee had prepared a lengthy draft Report but the Committee did not endorse the draft; instead it recommended that the whole matter of the disposal of Crown Lands be further considered in the 1855 Session.

*Members of the re-appointed Committee* Charles Cowper; James Martin; Terence Aubrey Murray; James Macarthur; George Macleay; Henry Osborne; William Bradley; George Barney; James William Bligh; Edward Flood.

*Report of the Committee* The Committee may possibly have met but no Report was made to the Council. However, on 11 September 1855 James William Bligh moved a series of proposed resolutions relating to the “Sale of Crown Lands held under Lease of License”. None of these resolutions were agreed to. They are printed in the record of the day’s Proceedings. On 1 November 1855 the Governor General (Sir William Denison) by Message no 92 sent to the

Council a copy of a Despatch from Lord John Russell, Secretary of State for the Colonies which enclosed *An [Imperial] Act to repeal the Acts of Parliament now in force respecting the disposal of Waste Lands of the Crown in Her Majesty’s Australian Colonies, and to make other provisions in lieu thereof*.

## 1855/8 COMMITTEE ON THE IMMIGRATION DEPARTMENT

*See also* 1832/14, 1835/1, 1837/2, 1838/21, 1839/9, 1840/17, 1841/1, 1841/25, 1842/2, 1843(2)/10, 1844/5, 1845/13, 1848/1, 1850/1, 1852/3, 1854/10, 1854/36, 1854/44, 1854/58, 1855/34

*Background* On 19 June 1855/8 James Martin moved the appointment of a Committee “to inquire into and report upon, the Management, Working, and Expenditure of the Immigration Department”. On 24 August 1855/39 on the motion of Robert Campbell the terms of reference were altered to “That it be an instruction to the Select Committee on the Immigration Department to inquire into, and report upon, the expediency of making provision, from the Colonial Revenue, for the cost of transmitting to the Principal Inland Towns of the Colony, Immigrant families who may otherwise now or hereafter be maintained in idleness at the Immigration Barracks in Sydney at great public cost, from want of applicants to hire them”.

*Members of the Committee* James Martin; Campbell Drummond Riddell; Francis Lewis Shaw Merewether; John Hubert Plunkett; Arthur Tod Holroyd; Charles Cowper; Henry Parkes; George Robert Nichols; James Robert Wilshire; Edward Flood.

*Witnesses examined by the Committee* Hutchinson Hothersall Browne, Agent for Immigration, and the Emigration Agent.

*Report of the Committee* A Progress Report was tabled on 19 December 1855/104. The Committee advised the Council that “your Committee have taken Evidence, but are not prepared to make any specific recommendation in reference to the Immigration Department, except in so far as the transmission, at the public cost, of Immigrants to the interior is concerned. In that matter they recommend (1) That facilities should be afforded for the distribution throughout the interior of a fair proportion of Immigrants immediately after their arrival in the Colony, (2) That the amount expended in transmitting Immigrants to any District should be in proportion to the population of such district”. For the re-appointed Immigration Committee of 1854 *see below* 1855/34.

## 1855/10 COMMITTEE ON THE PUBLIC HEALTH BILL

*See also* 1854/22

*Background* On 6 June 1855/2 the Governor General, by Message no. 1, proposed *A Bill for promoting the Public Health, Convenience, and Enjoyment*. A similar Bill which had been proposed by the Governor General on 8 June 1854/3 had been referred to a Select Committee on 19 July 1854/22 but had lapsed at the end of the Session. For the Report of the 1854 Committee *see* 1854/22. The new Bill had its first reading on 14 June 1855/6. After debate at the second reading on 21 June 1855/10 the Bill was “referred for the consideration and report of a Select Committee”.

*Members of the Committee* James Martin; George Robert Nichols; Charles Cowper; Edward Flood; Henry Parkes; Stuart Alexander Donaldson; Augustus Morris; James Robert Wilshire; Daniel Egan; Arthur Tod Holroyd.

*Report of the Committee* It is not known whether or not the Committee met, but it certainly did not report during 1855 or in the early months of 1856. It is a reasonable assumption that the question of Public Health was left to the consideration of the new bicameral Parliament in later 1856.

## **1855/12 COMMITTEE ON THE STATE OF AGRICULTURE**

*Background* On 3 July 1855/12, on the motion of Henry Parkes, the Council resolved “That a Select Committee be appointed to inquire into, and report on the state of Agriculture in the Colony, with special reference to the raising of wheaten grain, and to the cause of hindrance or failure in that great industrial pursuit, whether arising from the social condition of the people, the policy of the government, or the physical character of the country.”

*Members of the Committee* Henry Parkes; Robert Campbell; Robert Fitzgerald; William Colburn Mayne (Inspector General of Police); Stuart Alexander Donaldson; James Mitchell; Charles Cowper; Terence Aubrey Murray; The Attorney General (John Hubert Plunkett); James William Bligh .

*Witnesses examined by the Committee* Edwin Hickey, agriculturist in the Hunter Rivers region; James Pye, agriculturalist in the Parramatta region; John Oxley, agriculturalist in the County of Cumberland; John Robertson, agriculturalist in the Upper Hunter region; John Nicholas Beit, merchant; Isaac Shepherd, squatter and agriculturalist; Alexander Park Member of the Legislative Council, landholder and agriculturalist in the County of Durham; John Thompson, Deputy Surveyor General; A G McLean, acting Chief Draftsman in the Surveyor General’s Office.

*Report of the Committee* The Report and Evidence were tabled on 17 December 1855/102 and were printed. The Committee advised the Council that its “enquiry...has been too limited, considering the magnitude of the various interests involved...[for it to make] any specific recommendations based upon evidence so full and conclusive as...necessary ..” The Committee had, however, collected much information which would be of value to any later investigations. The Evidence taken from various persons who have been involved in agriculture for many years in various parts of the Colony was based upon “the opportunities they had had to form correct opinions on the grain-producing capabilities of the Country, and the causes of neglect or hindrance [were of]...considerable value...The testimony borne to the natural fitness of extensive tracts of land for agricultural settlement is highly gratifying, and goes far to disabuse the public mind abroad of the impression that New South Wales is, by nature, adapted only for pastoral occupation...”

## **1855/12 COMMITTEE ON THE ADULTERATION OF FOOD**

*Background* On 3 July 1855/12, on the motion of Henry Parkes, the Council appointed a Committee “to inquire into, and report upon, the adulteration of the common articles of food with deleterious ingredients, and the nature and extent of any existing precautions against the sale of such unwholesome articles”.

*Members of the Committee* Henry Parkes; George Robert Nichols; The Postmaster General (William Harvey Christie); James Macarthur; James Robert Wilshire; Henry Grattan Douglass; George Allen; James Mitchell; Edward Flood.

*Witnesses examined by the Committee* George Hamilton, baker; Richard Stubbs, Inspector of Nuisances for the City and Hamlets of Sydney; George Wilkie, baker; John Smith, Professor of Chemistry in the University of Sydney; Thomas Bettridge, importer of coffee and tea; Edward M'Enroe, importer of flour, oil and other foodstuffs.

*Report of the Committee* The Committee reported on 14 November 1855/84, and the Report and Evidence were printed. The Committee said that "They have obtained some information...on the state of several of the chief articles of food; but the facts brought before them...do not afford any basis on which to rest definite recommendations...the enquiry might be resumed...by the next Legislature, though it is questionable whether any such enquiry would be complete or satisfactory without the assistance of scientific examiners...It does not appear that the manufacture of bread among the Sydney bakers is characterized by the admixture of objectionable compounds, other than...deteriorated wheaten flour, and flour from inferior grain...A great part of the unwholesome flour...[is] 're-ground, re-dressed, and mixed'...much bread of an inferior kind...has been noticed in the consumption of Sydney...Barley is also said to have been ground in considerable quantities in the manufacture of baking flour...[but] the evil is likely to be lessened by a more plentiful supply of home-grown wheat at the approaching harvest, and by the prospect of agricultural industry steadily extending itself in future years. Another article of chief consumption...[which] appears to suffer from extensive adulteration...[is] green tea...[and] coffee is said to be adulterated to a considerable extent [by the addition of ground chicory]...the trade on unwholesome articles of food has been subject to no adequate check in the present state of our laws; but...the whole question is surrounded by such complicated and peculiar difficulties, that it cannot be safely touched by the Legislature until a complete enquiry had been carried out".

## **1855/13 COMMITTEE ON STEAM POSTAL COMMUNICATON**

*See also* 1846(2)/6, 1848/4, 1850/25

*Background* On 15 June 1855/7 the Governor General, by Message no. 11, had proposed *A Bill to enable the Government of this Colony to co-operate with the Governments of the other Australasian Colonies for the establishment of a regular and expeditious Postal Communication by Steam with Great Britain*. It was referred to a Committee for consideration and report.

*Members of the Committee* Stuart Alexander Donaldson; Robert Campbell; The Postmaster General (William Harvie Christie); Daniel Cooper; Charles Cowper; Phillip Parker King; The Colonial Treasurer (Francis Lewis Shaw Merewether); George Robert Nichols; Henry Watson Parker; Henry Parkes.

*Witnesses examined by the Committee* George Windsor Earl, hydrographer; James Paterson, Manager of the Australasian Steam Navigation Company; John Nicholas Beit, representing the "Australian Investment Company"; William Harvie Christie, Postmaster General; Robert Towns, ship owner; James Hartwell Williams, Consul for the United States.

*Report of the Committee* The Committee reported on 30 August 1855/42, and the Report and Evidence were printed. The Committee noted that “1...the route which will afford the most immediate, the most certain, and the cheapest mode of communication by steam, between Sydney and Great Britain, is that by way of Singapore.” [and] “2...the most rapid communication with Great Britain would be afforded by the establishment of a line of steamers by way of Panama, and that, if that line could be opened—in addition to the line by way of Singapore—the greatest amount of advantage, possible to be derived from Steam Communication with Europe, would be achieved.” However, in all the circumstances, the Committee advised that the proposed contract should be for the Singapore route only, with £25,000 per annum for five years being placed at the disposal of the Executive Government to meet the costs. The arrangements to be made should be only for the route between Sydney and Singapore, the cost of further carriage of mails from Singapore to Great Britain (on the Great Eastern Trunk Line) being borne by the Home Government.

### **1855/13 COMMITTEE ON INTEMPERANCE**

*See also* 1854/8

*Background* On 4 July 1855/13, on the motion of Charles Cowper, the Council appointed a Committee “to inquire into the alarming increase of Intemperance in the Colony, and to report what remedies can be applied for this growing evil” This was in effect a re-appointment of the 1854 Committee.

*Members of the Committee* Charles Cowper; The Attorney General (John Hubert Plunkett); Terence Aubrey Murray; George Allen; The Inspector General of Police (William Colburn Mayne); Phillip Parker King; Henry Grattan Douglass; Henry Parkes; George Macleay; George Robert Nicholls.

*Witnesses examined by the Committee* Alfred Toogood, licensed publican in the City of Sydney; Richard Driver, licensed victualler in Sydney; John Williams, licensed publican, formerly of Sydney and now of Parramatta.

*Report of the Committee* The Final Report of the Committee was tabled on 7 November 1855/80 and the Report and Evidence were printed. The Committee “agreed not to submit any Report recommending that the Law should be amended by the existing Legislature...The time appears to have arrived when the principles upon which Public Houses are licensed should be thoroughly canvassed, and such alterations made in the Law as may, after further consideration, be deemed advisable...[and which] are more likely to be acceptable, if made by a Legislature established entirely upon a popular basis”. In other words, it should be a matter for decision by the new Parliament when it took office in the New Year.

### **1855/15 COMMITTEE ON THE FAMILY COLONIZATION LOAN SOCIETY**

*Background* On 24 September 1852/60 the Council, on the motion of Stuart Alexander Donaldson, had resolved “(1) That this House considers that a sum of not less than £10,000, out of the amount now in course of transmission to England by the Governor

General, might with great propriety be applied in furtherance of the object of the Family Colonization Loan Society, in such manner as might be arranged between the Secretary of State for the Colonies and the London Committee of the Society, whether by way of Guarantee Fund or by actual appropriation as might be decided on. (2) That this House being of opinion that the Family Colonization Loan Society, established by Mrs [Caroline] Chisholm and represented in London by a Committee consisting of the...Earl of Shaftesbury and others forms a valuable adjunct to the other means employed for the promotion of Emigration of a good character to the Australian Colonies.” (3) That the resolution be referred to the Select Committee on Immigration now sitting.” Three years later, on 6 June 1855/15 and on the motion of George Robert Nichols, the Council resolved to appoint a Committee “to inquire into, and report upon, the operation of the Vote of this House, passed on 24 September 1852...” The Council instructed the Committee “to report how far the said Fund has been faithfully and economically disbursed by the Committee of the Family Colonization Loan Society”.

*Members of the Committee* George Robert Nichols; The Colonial Secretary (Campbell Drummond Riddell); James Macarthur; William Dumaresq; The Colonial Treasurer (Francis Lewis Shaw Merewether); George Macleay; Phillip Parker King; Robert Campbell; Henry Parkes; Charles Cowper.

*Witnesses examined by the Committee* Stuart Alexander Donaldson; Hutchinson Hothersall Browne, Immigration Agent.

*Report of the Committee* The Report was tabled by Charles Cowper, on behalf of the Chairman, George Robert Nichols, on 6 November 1855/79, and the Report and Evidence were printed. The Report stated “the gentlemen who are associated together in London to form “The Family Colonization Loan Society’...have [carried out their duties] with zeal and disinterestedness of purpose. That the Colony has benefited considerably by their exertions...and the Society has been instrumental in removing from the over-populated districts of the Mother Country several families whose circumstances have been greatly improved by the change, and whose addition to our population has been of advantage...The expenditure of the sum placed at the disposal of the Society has, therefore...been a wise appropriation of public funds. Considering, however, that the *Act of the [Imperial] Parliament regulating the appropriation of the proceeds of the Waste Lands of the Crown* has now been repealed, and that the obstructions in the way of dealing with the question of Immigration...have been removed, your Committee do not consider it desirable in the present state of the finances of the Colony, and of the business before the Council, to make any recommendation that a further sum should be placed at the disposal of the Society at present, as the whole question will have to be taken into consideration by the new Legislature, so soon as it shall be called together”. (As an aside from the compiler of this work, it is noted that while Stuart Alexander Donaldson who had been the original proponent of the financial subsidy to the Society, when called as a witness before the Committee was not strongly in support of the scheme; while the Immigration Agent, Hutchinson Hotherstall Browne, in evidence had been highly critical of the unsatisfactory condition of the private ships in which most the Society’s immigrants had been forced to travel.)

**1855/15 COMMITTEE ON THE PRESBYTERIAN CHURCH TRUSTEES BILL**

*Background* On 5 July 1855/14 George Bowman introduced *A Bill to enable the Trustees of certain Lands granted by Her Majesty's Government, upon Trust for the erection of a Church and School-house, under the superintendence of 'The Synod of Australia in connexion with the Established Church of Scotland,' to sell the said Lands, and to purchase other Land in a more suitable situation in lieu thereof.* On 6 July 1855/15 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* George Bowman; James Chisholm; Charles Cowper; Henry Grattan Douglass; George Macleay; Augustus Morris; Alexander Park; The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* Revd John McGibbon, Minister of Woolloomooloo Presbyterian Church; George Cunningham, carpenter and joiner.

*Report of the Committee* The Committee reported on 17 July 1855/20 and the Report and Evidence were printed. The witnesses had pointed out that the land in question was rocky and unsuitable for building, and that it was situated a long distance from any Presbyterian families, and was also very difficult of access. The Committee recommended the Bill without amendment.

**1855/16 COMMITTEE ON THE AUSTRALIAN JOINT STOCK BANK BILL**

*See also* 1853/19

*Background* On 5 July 1855/14 Charles Cowper introduced *A Bill to amend the Australian Joint Stock Bank Act.* On 10 July 1855/16 the Bill was referred to a Committee for consideration and report; at the same time "á Despatch from the Secretary of State dated 20 October 1854, in reference to this and other Banks" was also referred to the Committee.

*Members of the Committee* Charles Cowper; Stuart Alexander Donaldson; William Dumaresq; Edward Flood; Thomas Hood Hood; George Oakes; The Attorney General (John Hubert Plunkett); James Robert Wilshire.

*Witness examined by the Committee* George Kenyon Holden, solicitor for the Promoters of the Bill.

*Report of the Committee* The Committee reported on 11 September 1855/48 and the Report and Evidence were printed. The amending Bill had been "applied for...in consequence of some objections entertained by Her Majesty's Government...[in relation to] un-assayed Bullion and Government Securities...[which had been] previously allowed by the Council [in] the Estimate of Bank Assets...[Despite the assumption of the Petitioners for the Bill, the Committee was] of opinion that the fixing of Coin and assayed Bullion as the sole basis of circulation, in the amended Acts of last Session, affecting the New South Wales and Commercial Banks, precludes their now re-opening this question in regard to the present Bill, and they have therefore so amended it as to

place the Joint Stock Bank or precisely the same footing as that now occupied by those two other Banks.” The Bill was *passed* on 25 September 1855/55.

**1855/16 COMMITTEE ON THE MORETON BAY IMMIGRATION  
AND LAND COMPANY’S BILL**

*See also* 1854/35

*Background* On 6 July 1855/15 John Dunmore Lang introduced *A Bill to establish and Incorporate a Company to be called ‘The Moreton Bay Immigration and Land Company’*. On 10 July 1855/16 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* Robert Campbell; Charles Cowper; Thomas Hood Hood; The Colonial Treasurer (Francis Lewis Shaw Merewether; Alexander Park; James Robert Wilshire.

*Witnesses examined by the Committee* No witnesses were called, possibly because The Council had received, on 6 July 1855/15, a Petition “from certain Inhabitants of Brisbane and its vicinity, setting forth the want of an Agricultural population at Moreton Bay...”

*Report of the Committee* The Committee reported on 24 October 1855/72 and the Report was printed. It noted that the Committee of 1854/35 had considered the Bill; in consequence it now recommended the Bill with the amendments requested by the Petitioners of 6 July 1855/35.

**1855/19 COMMITTEE ON THE SYDNEY EXCHANGE COMPANY’S  
BILL**

*See also* 1851(2)/12

*Background* On 6 July 1855/15 Stuart Alexander Donaldson introduced *A Bill to amend the Act for the Incorporation of the ‘Sydney Exchange Company’*. On 13 July 1855/19 the Bill was referred to a Committee for consideration and report.

*Members of the Committee* Stuart Alexander Donaldson; Robert Cooper; John Bayley Darvall; Henry Grattan Douglass; William Dumaresq; Arthur Tod Holroyd; The Solicitor General (William Montagu Manning); The Attorney General (John Hubert Plunkett).

*Witnesses examined by the Committee* William Spain, solicitor for the Sydney Exchange Company; John Frederick Hilly, architect.

*Report of the Committee* The Committee reported on 20 July 1855/23 and the Report and Evidence were printed. The Report was recommended to the Council.

**1855/20 COMMITTEE ON THE ADMINISTRATION OF INTESTATE ESTATES**

*See also* the entry for the 1854/28 Committee for the background.

*Members of the 1855 Committee* The Attorney General (John Hubert Plunkett); The Solicitor General (William Montagu Manning); James Martin; George Robert Nichols; George Allen; Charles Cowper; Phillip Parker King; Edward Flood; James Chisholm.

*Report of the Committee* The Committee reported on 1855/87. The Report, and the Evidence taken before the 1854 and 1855 Committees were printed. “Your Committee have taken some important evidence...[which indicated] that some change in the existing regulations is advisable...a new department might be established, which should have, solely, the management of Intestate Estates...an Act might be passed, to vest in that department the management of the real property left by Intestates, until lawful heirs could be found. But...such changes as these...may, very properly, stand over for further consideration under the new Parliament”.

**1855/20 COMMITTEE ON THE PYRMONT BRIDGE COMPANY'S BILL**

*See also* 1854/82

*Background* On 8 November 1854/81 George Robert Nichols introduced *A Bill to Incorporate the Pyrmont Bridge Company* and on the following day the Bill was referred to a Committee for consideration and report. That Committee reported on 28 November 1854/91. “Your Committee having considered the Bill...and...examined various witnesses, have arrived at the conclusion that the Bill in question is of so much importance to both public and private interests, that further investigation is necessary before it be passed into law...further consideration should be postponed until the next Session...” Nichols re-introduced the Bill on 13 July 1855/19 and on 17 July 1855/20 it was referred to a Committee for consideration and report

*Members of the Committee* George Robert Nichols; William Harvie Christie (Postmaster General); George Barney (Chief Commissioner of Crown Lands); Thomas Barker; Stuart Alexander Donaldson; William Colburn Mayne (Inspector General of Police); Henry Parkes; Daniel Egan.

*Witnesses examined by the Committee* George Wigram Allen, solicitor for the Company; Edward Moriarty, surveyor; Merion Moriarty, Port Master of the Colony; Thomas Smith, resident of Pyrmont; John Rae, one of the City Commissioners; James Wallace, engineer of the Sydney Railway; Edward Lewis Burrowes, a Government surveyor; William Henry Baron, City Surveyor.

*Report of the Committee* The Report was tabled on 3 October 1855/60 and the Report and Evidence were printed. The Committee advised the Council that in its opinion “the Bill involves the rights and interests of the Public to an extent which warrants its being considered and treated as a Public Bill...” The matter was then considered by the Council in Committee on a number of occasions, and was *passed* on 9 November 1855/82.

**1855/21 COMMITTEE ON GOVERNMENT HOUSE AT PARRAMATTA**

*Background* On 4 July 1855/13 the Governor General, by Message No. 26, laid before the Council a report from the Colonial Architect stating that Government House at Parramatta "...is in such a state of dilapidation as to be uninhabitable; and that the cost of putting it into a proper state of repair would be very great. The Governor General is in no way desirous that the Colony should be subjected to such an expense for his accommodation, and is willing to adopt any suggestion which the Council may make as to the disposal of the building, and of the domain [of about 4,000 acres] in connection with it..." The Council considered the Message on 1855/21 and after debate, referred it to a Committee for consideration and report. "

*Members of the Committee* The Colonial Secretary (Campbell Drummond Riddell); The Attorney General (John Hubert Plunkett); Charles Cowper; Charles Wray Finch; John Rose Holden; James Macarthur; Henry Watson Parker; Stuart Alexander Donaldson; George Oakes; Robert Fitzgerald.

*Report of the Committee* The Committee reported on 6 December 1855/96 "...that...as the New Constitution will effect most important changes in the form of the Government of the Colony, the consideration of the matter...should be postponed until the New Parliament shall have called together". The Colonial Architect had advised (in his Report dated 9 March 1855, and ordered to be printed by the Council) that "The building itself is in such a decayed state, as to render it...useless to attempt to repair it; the ravages of the white ant [termite], with which the house is infested, have more or less destroyed the whole of the timber work in the building; the roof and floors are, for the most part, literally rotten; and the insects appear to abound in the house throughout to such an extent that, if any repairs were made, the new work would soon become as bad as the old is at present".

**1855/21 COMMITTEE ON THE SYDNEY MECHANICS SCHOOLS OF ARTS BILL**

*Background* On 17 July 1855/20 the Solicitor General (William Montagu Manning) introduced *A Bill to enable the President, Senior Vice-President, and Treasurer of the Sydney Mechanics School of Arts to sell the Land belonging to the said Institution, in George-street South, Sydney, and to purchase other land, and erect new buildings in connection with the objects of the said Society in a more convenient situation, and for other purposes therein contained.* On 18 July 1855/21 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* The Solicitor General (William Montagu Manning); George Allen; Thomas Barker; Henry Grattan Douglass; Arthur Tod Holroyd; George Macleay; George Robert Nichols

*Witness examined by the Committee* William George Pennington, Treasurer of the Sydney Mechanics School of Arts.

*Report of the Committee* The Committee reported on 12 October 1855/66 and the Report and Evidence were printed. Pennington's evidence included some discussion of a desire

by some members of the committee of the School of Arts to change its name to 'The Sydney Literary and Scientific Institution' but the Select Committee deleted the 'recital of intent for proposed name change' in the Preamble; it was recommended to the Council which *passed* the Bill under the name under which it had been introduced on 23 October 1855/71.

## 1855/24 COMMITTEE ON THE MANAGEMENT OF THE BOTANIC GARDENS

*Background* On 24 July 1855/24 George Robert Nichols moved the appointment of a Committee "to inquire into and report upon the Management and Conduct of the Botanic Gardens of New South Wales.

*Members of the Committee* George Robert Nichols; Charles Cowper; George Macleay; Thomas Barker; James Macarthur; William Macleay; The Master of the Mint (E W Ward); James Robert Wilshire; Phillip Parker King; Stuart Alexander Donaldson; Daniel Egan.

*Witnesses examined by the Committee* Charles Moore, Director of the Botanic Gardens; James Kidd, Overseer of the Botanic Gardens; *Revd* George Edward Turner, member of the former Committee of the Museum, and Honorary Secretary of the Committee that formerly superintended the Botanic Gardens; Stuart Alexander Donaldson; Michael Guilfoyle, a nurseryman; Thomas W Shepherd, a nurseryman;

*Report of the Committee* The Report was tabled on 27 November 185/91 and the Report and Evidence were printed. The Committee noted that when Moore, the Director of the Gardens had been appointed, there was a consultative committee, but that after some years that committee "considered that, unless they had more complete power over the management [of the Gardens] they could be of little use, and on representing this to the late Governor...Fitz Roy, their services were dispensed with. Since that time the uncontrolled management of the Gardens has been in the hands of Mr Moore, who alone is responsible for the employment of labour and every other branch of the expenditure of the Institution...the present system is deficient of those checks on official authority which are requisite for the safe conduct of any public department...in the general management and arrangement of the Gardens, Mr Moore appears to have acted with ability and industry, but much has been left undone which tends peculiarly to make such institutions valuable in other Countries, and some want of Botanical knowledge and of discretion has been evinced in what has been attempted...The absence of any complete system of naming or classifying the plants and trees, and the total want of any published Catalogue, to which the public can have access, deprive the Gardens of much of the usefulness they would otherwise possess...The accounts...appear also to have been kept in a very unsatisfactory manner...With regard to the complaints of the too extensive distribution of plants and seeds from the Gardens to nurserymen and private individuals in this Colony and abroad, the same irregularity in keeping an exact account...has prevented the Committee from arriving at any definite and satisfactory conclusion upon them [but] it is evident that...[this] has been a subject of discontent amongst those concerned in the trade for some years past...The Committees agree with the witnesses...that the distribution from the Gardens should be confined, except under extraordinary circumstances, to public Institutions at home and in foreign countries, and to such plants to private individuals, the cultivation of which is calculated to promote the

public welfare.” It was, therefore, the recommendation of the Committee “1st That the office of Director should be changed to that of Curator...2nd That the Curator should be subject to the control of, and responsible to, three Commissioners appointed by the Governor General, and to whom all matters of importance in the management of the Gardens should be referred...3rd That such Commissioners shall make a report of their proceedings, annually, to the Executive Government; such Report to contain a detailed account of the Expenditure of the Establishment...to be laid before the Legislative Assembly within one month of its assembling:”. This Report was sent to the Governor General who by Message No. 116 to the Council on 15 December 1855 said “The suggestions...as to the adoption of a better system of keeping the Accounts of Expenditure will receive immediate attention, and care will be taken that as little injury as possible is done to the interests of individual nurserymen, while an extensive system of exchange of plants and seeds, so essential to the prosperity of the Garden itself, is maintained...[however] the proposed division of authority between the Curator and the Commissioners would not lead to satisfactory results...s system which transfers the responsibility now resting upon the Director, and which is so far effective, that it can be enforced by his removal, to three unpaid and so far irresponsible Commissioners, can hardly be expected to work satisfactorily either to Government or to the public. Under these circumstances, it does not appear to the Governor General that it would be desirable to make any alteration in the existing system of management”

#### **1855/27 COMMITTEE ON CAPTAIN DUMARESQ’S LAND CLAIM**

*See also* 1854/2

*Background* In 1830 William Dumaresq had been promised, by Governor Darling, a grant of land at Woolloomoolloo Hill, and was then permitted to select a portion of the Hyde Park Garden in lieu of the first. Governor Bourke, Darling’s successor, “declined to confirm such selection to Captain Dumaresq, on the ground that the land could not be alienated, as it was required for public purposes. That, notwithstanding, a portion of the land referred to was afterwards granted to the late Chief Justice Sir Francis Forbes, and, it appears in evidence, was sold by auction in the year 1842 for £5,000. That the proposal of Captain Dumaresq to accept land in the interior, to an extent equivalent in value to the town allotment promised to him, was refused by the Government...That the land in Double Bay offered was not a fair equivalent for the land to which he was entitled under the promise of the Crown. That Captain Dumaresq is the only grantee included in the Minute of October 1831, whose claim has not been satisfied...your Committee are of opinion that the claim...is well founded—that he is justly entitled to compensation for having been deprived of his grant---and that he should be permitted to purchase land at public auction, under the existing regulations, to the extent of £5,000, being the amount obtained by Sir Francis Forbes for the allotment which was granted to him in Hyde Park”. The matter was referred to a Committee for consideration and report.

*Members of the Committee* George Robert Nichols; Henry Parkes; Charles Cowper; Alexander Park; The Colonial Treasurer (Francis Lewis Shaw Merewether); George Allen; Thomas Barker.

*Report of the Committee* No witnesses were examined and the Report was tabled on 28 August 1855/40 and was printed. On 25 September 1855/55 Nichols moved that the Report be referred to the Governor and asking that he “take the necessary measures for

carrying the recommendations of the Committee into effect”. After debate in which the motion was opposed on the grounds that a sum of £5,000 was more than could be afforded, and that Dumaresq had already been offered other land in compensation which he had rejected, Nichols withdrew his motion, on the understanding that the matter would be revisited in the next Session

## 1855/28 COMMITTEE ON THE SCAB IN SHEEP ACT OF 1854

*See also* 1832/29, 1835/31, 1838/10, 1845/5, 1849/11, 1849/45, 1854/28

*Background* Scab, a disease of sheep, was probably known since the introduction of the first sheep into the Colony but did not come to the attention of the Council until 1832. Since that first Select Committee six attempts had been made to legislate for its control, the most recent being on 1 August 1854/28. The deliberations of that Committee lead to the passing of the 1854 *Scab in Sheep Act* which provided for the destruction of scabby sheep with compensation to the owners thereof from a fund arising from a levy on all sheep in the Colony for one year only. On 31 July 1855/28 Charles Cowper had sought “leave to bring in a *Bill to repeal An Act to provide for the destruction of Sheep infected with the Scab, and to amend the Scab and Catarrh Act of 1853.*” However, on the motion of George Macleay, the Council resolved to appoint a “Committee to take into consideration the operation of the Act...and if necessary, to amend the same”.

*Members of the Committee* George Macleay; Stuart Alexander Donaldson; Charles Cowper; William Dumaresq; William Bradley; George Bowman; Charles Wray Finch; Thomas Hood Hood; Thomas Icely; James Martin.

*Witnesses examined by the Committee* William McTaggart Dorsey, of the Moreton Bay District; Alexander Robertson Lawson, of the Burnett area of the Northern District; Charles William Pitts, of Moreton Bay and the Darling Downs; J D Maclean of the Northern Districts; Leopold de Salis, of the Lachlan and Murrumbidgee Districts; John Thomas Baker, of Dundee, New England; Edward Baker Boulton of the Wellington District; Thomas Walker, of the Murrumbidgee District; John Peter, of the Murrumbidgee District; *Mrs* Lucy Powell, recently at Arkstone Forest, near Yass; George Campbell, of the County of Murray; Gideon Lang, of the Murrumbidgee District; Francis Lewis Shaw Merewether, Colonial Treasurer; [Letter addressed Stuart Alexander Donaldson, from Rowland J Traill, of Collaroy, Merriwa, and handed to the Committee]; John Giblett, of South Creek, Penrith.

*Report of the Committee* The Committee’s Report was tabled on 11 October 1855/65 and the Report and Evidence were printed. The result of consultation with “gentlemen practically acquainted with sheep farming” was “that the Act has been founded on correct principles...the Act, in its general tenor, meets with approval throughout the Colony. Many parties...(regarding the great end that was in view—the eradication of this ruinous disease—are almost gained) are now in favour of some mitigation of the more stringent clauses of the Act; but the majority of the witnesses examined are of opinion that any such modification would be unsafe and impolitic...provision should be made for the proper control of travelling sheep, as it is an undoubted fact that it is through travelling flocks that disease is principally propagated...all imported sheep, whether brought in from abroad, or coastwise, should be reported on arrival [and inspected].

**1855/31 COMMITTEE ON THE COLONIAL ARCHITECT'S DEPARTMENT**

*Background* On 7 August 1855/31 the Council, on the motion of Edward Flood, resolved to appoint a Committee to inquire into and report upon the present state of the Colonial Architect's Department.

*Members of the Committee* Edward Flood; Charles Cowper; William Ward; Terence Aubrey Murray; James Macarthur; George Macleay; George Barney; Daniel Cooper; Daniel Egan; James William Bligh.

*Witnesses examined by the Committee* William Weaver, Colonial Architect; William Bolster, mason and builder; William Booth, mason and builder; Joseph Trickett, Superintendent of the Coining Department of the Mint; Richard Lambeth, architect; formerly of the Colonial Architect's Department; Edwin Thomas Blacket, former Colonial Architect; Robert Corby, First Clerk of Works in the Colonial Architect's Department; William Edmund Kemp, Foreman of Works in the Colonial Architect's Department; Henry Lane, Chief Clerk of the Auditor General's Office; Edwin Maxey, schoolmaster, formerly of the Colonial Architect's Department; Robert Adams, messenger in the Colonial Architect's Department; Henry Chapman, Chief Clerk of the Colonial Architect's Department; Thomas Webb, book-keeper for Leneham, a furniture dealer; John Sharkey, Foreman of Works in the Colonial Architect's Department.

*Report of the Committee* The Committee's Report was tabled on 8 November 1855/81, and the Report and Evidence were printed. The Committee advised the Council "that the advanced state of business, before the Council, renders it desirable that they should present a Report of the progress made in the inquiry...but...the investigation has not been followed to such an extent as would enable them to make a full Report...The examination of the fourteen witnesses...has divulged not only facts, but a state of things for which...they were not prepared...no new system has ever been introduced into the Department, and...there are few, if any, public records worthy of the name...under the present circumstances, the Executive Government will not be in a position to introduce, at once, such a thorough reform, or rather total re-organization of the Department, as must be made before the public can have any confidence in its efficiency or integrity...they...hope that the Government will, so far as it has the means, put a stop to the numerous abuses which are proved to exist in the Department...And your Committee would finally recommend that, until this Department can be re-organized...no Public Works but such as absolutely required should be undertaken".

**1855/31 COMMITTEE ON THE GOVERNMENT RESIDENT AT PORT CURTIS**

*Background* On 7 August 1855/31, the Council, on the motion of Henry Parkes, resolved to appoint a Committee "to inquire into, and report upon, the establishment and working of the Office of Government Resident at Port Curtis, with power to send for persons and papers". Parkes had previously been critical of the expenditure on the settlement. The British Government had established, by Letters Patent on 17 February 1846, a new Colony to be called 'North Australia', consisting of the northern part of the Northern District of the Colony of New South Wales (that is, the northern part of the present State

of Queensland and the present Northern Territory); the intent in part was to establish a new colony to accommodate convicts who had served their sentences but were unable to find work in Van Diemen's Land which had been until recently the only Colony still receiving convicts from Great Britain, and also to provide opportunities for new settlers. The capital of 'North Australia' was to be at Port Curtis on the coast of the Northern District of New South Wales and the township established there became known as Gladstone. Colonel George Barney was appointed Superintendent (in effect Lieutenant Governor) with a suitable official establishment. It was hoped that a ready supply of ex-convict labour would induce free settlers, although none of the first and few of the second arrived. However, a change of Government in England revoked the Letters Patent later in 1846, putting to an end the Colony of North Australia, although the news of this decision did not reach Port Curtis until 1847. The settlement at Port Curtis continued, but not as the capital city of a New Colony; nevertheless, since it was still administratively part of New South Wales, and free settlers were taking up land, some sort of official presence was required, and this took the form of a Government Resident. Maurice Charles O'Connell was appointed as such in 1854.

*Members of the Committee* Henry Parkes; Campbell Drummond Riddell (Colonial Secretary); Charles Cowper; James Martin; Edward Flood; Saul Samuel; William Montagu Manning; George Allen; Daniel Cooper; William Colburn Mayne (Inspector General of Police).

*Witnesses examined by the Committee* George Thornton, master of the schooner *Tom Tough*; Charles Arthur, of the Survey Department; Edye Manning, agent for the steamship *William Miskin*; William Grey, surgeon; William Macdowell, carpenter; John Alexander Matthews, joint owner of some ships; William Forster, a resident of the Northern Districts; Henry Gardiner, Commissioner of Crown Lands for the Leichhardt District adjoining the Port Curtis District; Francis Peter McCabe, surveyor and occasional Magistrate at Port Curtis; Samuel Stutchbury, occasional resident at Port Curtis; Frederick Garland Mylrea, Clerk to the Government Resident, Charles Dobbin, Lieutenant, Royal Navy; John Allport, storekeeper; Maurice Charles O'Connell, Government Resident at Port Curtis;

*Report of the Committee* The Report was tabled on 5 December 1855/95 and it and the Evidence were printed. The Committee reported its views "1. That the creation of the office of Government Resident at Port Curtis by Sir Charles Fitz Roy [who had by this time been succeeded by Denison as Governor General] was an error which has already involved the Colony in a loss of several thousand pounds, without any determinable public benefit. 2. That the gentleman appointed to the office was not particularly fitted for performing its [sic] duties, so as to promote the objects of the Settlement. 3. That the appointment of a Police Magistrate to the Township of Gladstone would be a sufficient provision for securing the ends of justice, and the preservation of order at Port Curtis, under present circumstances. 4. That, supposing that this change were immediately effected, the capabilities of the District would have an equal chance of development, and the progress of the Port would be in no respect retarded". The Committee carefully observed "whilst they desire to guard themselves against any unnecessary expression unfavourable to the character and standing of Captain O'Connell...[but then proceeded to say that] scattered all through the evidence are facts and statements which tend to establish the unfitness of Captain O'Connell for a post which required much self-denial, a vigilant attention to the conditions of others, a calm and penetrating judgment, with a disposition to govern by reason and dignified example rather than by a constant

recurrence to the law, if, indeed, society were to be formed under such unfavouring circumstances, and the progress of the settlement promoted". On 13 December 1855/99 O'Connell petitioned "to be heard at the Bar of the House, in person, or by counsel, in reference to certain matters touching his office and administrative capacity..." but "the Speaker ruled that the Petition made reference to a former Debate, as well as to an intended motion, in contravention of the 45th section of the Standing Orders [and in consequence]...the Petition was irregular, and could not be received, whereupon [it was] withdrawn". On 14 December 1855/100 the Council referred the Report to the Governor General.

## **1855/31 COMMITTEE ON THE PETITION OF ROBERT LAKIN**

*Background* Robert Lakin had been appointed as Steward of the Lunatic Asylum at Tarban Creek on 13 November 1854. According to a Petition which had been presented on his behalf by Henry Parkes on 17 July 1855/20, "complaining of his summary dismissal from office", he had been given to understand "that the Appointment...would be a permanent one, as long as his duties were honestly and efficiently performed". The Petition was ordered to be printed. His duties included the issue of stores to people on The Ration Lists or the Books of the Establishment. He stated in his Petition that he had asked for instructions as to whether he was to issue stores to anyone else, but said that he had had no reply. Although not mentioned in the Petition, Lakin, in Evidence before the Committee, stated that laundry items, firewood, and butcher's meat had been misappropriated, by the receipt of these items by the Superintendent, Dr Campbell and his wife. Lakin was dismissed from office after less than three months. On 7 August 1855/31, on the motion of Henry Parkes, the Council resolved to appoint a Committee "to inquire into, and report upon, the allegations contained in the Petition..."

*Members of the Committee* Henry Parkes; Stuart Alexander Donaldson; The Attorney General (John Hubert Plunkett); James William Bligh; Robert Cooper; William Ward, Deputy Master of the Mint.

*Witnesses examined by the Committee* Robert Lakin, former Steward to the Asylum; Richard Greenup, Visitor to the Lunatic Asylum at Tarban Creek; James McNish, Acting Medical Superintendent of the Asylum; Joseph Bromhead, Head Keeper at the Asylum; Mrs Selina Campbell, wife of the Medical Superintendent of the Asylum; Francis Campbell, Medical Superintendent of the Asylum; Mrs Jane Manson, Matron of the Asylum; John Pearce, former patient at the Asylum; Henry Maloney; former patient at the Asylum; Mrs Ann Margetts, former patient at the Asylum; Isabella Maclaughlin, former patient at the Asylum; Mrs Elizabeth Haggarty, former patient at the Asylum.

*Report of the Committee* The Report of the Committee was tabled on 20 November 1855/87 and it and the Evidence were printed. Robert Lakin, as former Steward to the Asylum, had alleged that there were improprieties in the use of soap and similar articles from the public stores which had been used in the washing of the clothes and other items of the Superintendent's family without official sanction; that firewood had been similarly been wrongfully used; and that butcher's meat for the use of the inmates had also been used for the Superintendent's family. The Committee found that the first allegation, of the use of laundry articles, appeared to have been authorised by the Medical Visitor; the second allegation, of the misuse of firewood was completely denied and was corroborated "by the evidenced of other witnesses"; while "The statement that butchers

meat has been misappropriated appears to your Committee to be unsupported by the facts in evidence...Your Committee desire to express their opinion...that the regulations of the Asylum...are not sufficiently clear and explicit...A public officer, placed in circumstances so trying and difficult as is Dr Campbell [the Superintendent], ought not to be annoyed by having any privilege called in question, to which he is entitled; and the general management of the Asylum cannot but suffer from the absence of complete and definite instructions as to the duties of his subordinates”.

## 1855/34 COMMITTEE ON IMMIGRATION

*See also* 1832/14, 1835/1, 1837/2, 1838/21, 1839/9, 1840/17, 1841/1, 1841/25, 1842/2, 1843(2)/10, 1844/5, 1848/1, 1852/3, 1854/10, 1854/36, 1854/44, 1854/58, 1855/8, 1855/15

*Background* On 10 August 1855/34 on the motion of James Macarthur, the Council resolved “That the Select Committee of last Session [see 1854/58], with reference to Immigration, be re-appointed”. This was probably prompted by the Governor General’s Message No. 22 of 20 June 1855/9 which included “the outline of a scheme, which, having worked satisfactorily in...Van Diemen’s Land [where Denison had previously been Governor], may perhaps be advantageously adopted here”. (

*Members of the Committee* James Macarthur; The Colonial Secretary (Campbell Drummond Riddell); Henry Grattan Douglass; Charles Cowper; George M’Leay; Henry Parkes; William Dumaresq; Phillip Parker King; James Martin.

*Witnesses examined by the Committee* Hutchnson Hotherstall Browne, Immigration Agent; Don Antonio Arrom de Ayala, Consul of Spain; Thomas Holt, former resident of Spain.

*Report of the Committee* The Committee reported on 29 November 1855/93 and the Report and Evidence were printed. As with so many of the Select Committees in these last days of the First Legislative Council, the Committee remarked that it had “considered it better that any changes which may be thought desirable in the Immigration Regulations should originate with, and be carried out by, the Legislature which will be created [in 1856] by the New Constitution Act...They have therefore abstained from entering fully into consideration of the plan of Bounty Immigration [proposed by the Governor General]”. The Committee drew attention to the fact that funds amounting to “about £10,000 per month will be available for keeping up British Immigration to the Colony, without increasing the debt upon the public revenue...[However] the operation of the...Assisted Immigrant’s Act has not been of late, more successful than it was proved to have been during the preceding Session...and Mr Browne, the Immigration Agent is now quite prepared to recommend its total repeal; the amendments which were made in it last year not having attended with any beneficial result...To the question of Spanish Immigration, which was specially referred by the Council...your Committee has given their best attention. They examined the Spanish Consul...and Mr Holt who has resided some time in Spain, and who is acquainted with the description of people likely to emigrate [with the costs paid by the Spanish Government] from that country...[but] your Committee are of opinion that, in the present state of the Colony...it would not be desirable to commence on any such plan...should the Immigrants [from Spain] which [sic] may be introduced under private engagement give satisfaction...the subject can be taken up by the new Legislature when it

assembles....the Land and Immigration Deposit Regulations, which do not appear at all to have encouraged the sale of land, while the unfair advantage which has been taken of them, proves that their continuance is prejudicial to the public interests...[and] they should be repealed without delay”.

**1855/35 COMMITTEE ON THE SYDNEY INSURANCE COMPANY'S BILL**

*Background* On 10 August 1855/34 Henry Parkes introduced *A Bill to Establish and Incorporate a Company to be called 'The Sydney Insurance Company'*. On 14 August 1855/35 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* Henry Parkes; Robert Campbell; Charles Cowper; Arthur Tod Holroyd; George Robert Nichols.

*Witness examined by the Committee* James Sutherland Mitchell, Secretary of the Sydney Insurance Company.

*Report of the Committee* The Committee reported on 28 August 1855/40 and informed the Council that it should approve the Bill with amendments.

**1855/40 COMMITTEE ON THE MEDICAL PRACTITIONER'S REGISTRASION BILL**

*Background* On 12 July 1855/18 Henry Grattan Douglass introduced *A Bill to provide for the Registration of Legally Qualified Medical Practitioners*. The Bill had its (postponed) second reading on 28 August 1855/40 and was referred to a Committee for consideration and report.

*Members of the Committee* Henry Grattan Douglass; The Attorney General (John Hubert Plunkett); James Mitchell; Arthur Tod Holroyd; James Martin; Daniel Cooper; George Allen.

*Report of the Committee* On 18 September 1855/51 a Progress Report was tabled. The Committee “fearing that they would not find time to fully consider and report upon the important subject of the Bill referred to them...have framed [a]...Draft Bill which they request may be taken into consideration...conjointly with the original Bill”. *A Bill to regulate the Practice of Medicine* had been proposed by Governor Gipps on 29 May 1838. This was passed on 12 October 1838/53 with a changed title, perhaps because of urgency on one issue only, the qualifications of medical witnesses at inquests and other official inquiries. An amending Bill was passed on 23 August 1844/45 which defined a legally qualified medical practitioner as “a doctor or bachelor of medicine of some university, or a physician or surgeon licensed to be admitted to as such, by some college of physicians or surgeons, in Great Britain or Ireland, or who is, or has been a medical officer, duly appointed or confirmed, of Her Majesty’s sea or land service”. The 1855 Draft Bill was intended to allow qualified medical practitioners from other countries to practice in New South Wales. It provided... “ That any person who shall prove, to the satisfaction of the President and any other member of the...Medical Board [of New South Wales], that he is a Doctor or Bachelor of Medicine, Physician or Surgeon, holding

a foreign Diploma, Certificate or License as such, and being...legally qualified to practise in the Country wherein such Diploma, Certificate of License has been granted to him; shall be a legally qualified (Medical Practitioner..." The Bill was *passed* on 4 October 1855/61

#### **1855/44 COMMITTEE ON THE MANAGEMENT OF BURIAL GROUNDS**

*See also* 1843(2)/31, 1844/3, 1845/9

*Background* On 4 September 1855/44 /George Robert Nichols moved the appointment of a Committee to inquire into, and report upon , the Management of the various Burial grounds in the City and District of Sydney.

*Members of the Committee* George Robert Nichols; Edward Flood; Daniel Cooper; Daniel Egan; The Postmaster General (William Harvie Christie); William Colburn Mayne; George Allen; James Robert Wilshire.

*Witnesses examined by the Committee* Frederick McKellar, physician and surgeon, of Sydney; Henry Thomas, resident of Newtown; John Lucas, innkeeper and resident of Camperdown; Robert Stewart, undertaker; Josiah Richard Treeve, Secretary to the Company for the Church of England Cemetery at Camperdown; James Curtis, undertaker; Simeon Henry Pearce, Commissioner of Crown Lands for the County of Cumberland; Henry Kerrison James, Registrar of the Bishop of Sydney

*Report of the Committee* The Committee tabled a Progress Report on 6 December 1855/96 and the Report and the Evidence were printed. Apart from examining a number of witnesses, there appears to have been no progress: "...the Committee beg to recommend the further consideration of the subject to the new Legislature".

#### **1855/52 COMMITTEE ON THE SYDNEY RAILWAY**

*See also* 1848/3, 1850/36/ 1854/10, 1854/20, 1855/52

*Background* A section of the tunnel being constructed under the Botany Road, at Chippendale, close to the terminus, had collapsed on 18 September. This was only one week before the planned official opening of the Railway on 26 September by the Governor General. Fortunately no person had been injured, although a horse had been killed. However, the accident was of such concern to some members of the Council that, on the motion of James Martin, and following considerable debate, mostly strongly against the motion on the ground that the Railway was now a Government undertaking and an enquiry if needed should be made by the Executive Government and not the Council, the Council did appoint a Committee the next day to inquire into the accident, for the purpose of seeking expert advice.

*Members of the Committee* James Martin; Daniel Cooper; Stuart Alexander Donaldson; George Macleay; William Ward; William Dumaresq; Charles Cowper; Edward Flood; George Barney; Arthur Tod Holroyd.

*Witnesses examined by the Committee* James Wallace, Chief Engineer of the Sydney Railway Company; David Lennox, experienced builder of most of the stone bridges in New South Wales and Victoria; James Howison, builder experienced in working with both brick and stone.

*Report of the Committee* The Committee reported with unprecedented speed, on 20 September 1855/52 and the Report and Evidence were printed. The Committee informed the Council that it had requested Lennox and Howison, “independently of the fact of their undoubted competency, arising from their great experience, were...peculiarly fitted...from the fact of their residence out of Sydney [at Parramatta] and their presumed freedom from bias of any kind either for or against the Contractor...the Chief Engineer...Mr Wallace...[Wallace, together with the members of the Committee] personally inspected the Tunnel...the Committee [reported]... that the late accident was not caused by any defect in the construction of the work, or by the use of any unfit materials. All three witnesses were clearly of opinion that the falling-in of a portion of the arch was to be attributed solely to the circumstance of very heavy rain having set in before the haunches had been properly finished and the pressure equalized; and that, under all the circumstances, the accident must be looked upon as having been almost inevitable. But as to the goodness of the bricks and the cement, as well as the correctness of the principle on which the arch as constructed, the witnesses were unanimous...no danger is to be feared from the work...and...it may be used by the public without apprehension...the Committee [expressed]...their high sense of the public spirit and disinterested conduct of Mr Lennox and Mr Howison, who, at a moment’s notice, came to Sydney to give the Committee the benefit of their experience, and declined to receive any remuneration whatever, either for their trouble or the expenses which they necessarily incurred in obeying the summons of the Committee”. The Council seems to have accepted the report without further discussion or debate.

## **1855/57 COMMITTEE ON THE WATERVIEW DRY DOCK BILL**

*See also* 1854/84

*Background* The *Waterview Dry Dock Bill* had been before the Council during the Session of 1854, had been the subject of an inquiry by a Select Committee, and had been debated by the Council, but the Session was prorogued before full consideration had been given, and the Bill lapsed. It was reintroduced by Arthur Tod Holroyd on 25 September 1855/55 as *A Bill to enable Thomas Sutcliffe Mort, proprietor of the Waterview Dry Dock, in the Hamlet of Balmain, near the City of Sydney, in the Colony of New South Wales, to purchase Land for the extension of such Dock; and also to make and maintain at Waterview Bay, aforesaid, in connexion with such Dock, a certain Quay or Wharf, fronting to Port Jackson, and to make, divert, alter, vary, and stop up certain Roadways or Streets in the vicinity of the said Dock*”. On 27 September 1855/57 the Council referred the Bill to a Committee for consideration and report.

*Members of the Committee* Arthur Tod Holroyd; Augustus Morris; Henry Parkes; Robert Campbell; Saul Samuel; George Allen, George Barney; James Robert Wilshire; The Solicitor General (William Montagu Manning).

*Witnesses examined by the Committee* Thomas Sutcliffe Mort; William Salmon Deloitte, a Commissioner of the Steam Navigation Board; Ferdand Reuss, surveyor.

*Report of the Committee* The Committee reported on 5 October 1855/62 and the Report and Evidence were printed. It was recommended to the Council with minor amendments.

## **1855/58 COMMITTEE ON THE DEFALCATIONS OF MR C G GRAY**

*Background* On 28 September 1855/58 Terence Aubrey Murray moved “That an Address be presented to the Governor General, praying that His Excellency will...place on the Estimates...1856, the sum of £1,000 for the purpose of indemnifying such parties as have been losers through the defalcations of Mr C G Gray, late Clerk of Petty Sessions and Golf Receiver at Major’s Creek”. The Council referred the matter to a Committee, to inquire and report.

*Members of the Committee* Terence Aubrey Murray; George Robert Nichols; James William Bligh; Saul Samuel; Phillip Parker King; The Colonial Secretary (Campbell Drummond Riddell); Alexander Park.

*Witnesses examined by the Committee* Hugh Hamon Massie, assistant Gold Commissioner at Braidwood; William Elyard, Chief Clerk in the Colonial Secretary’s Office; John G Lennon, clerk in the Office of the Colonial Treasurer; George Barney, Chief Commissioner of Crown Lands.

*Report of the Committee* The Committee reported on 31 October 1855/76 and the Report and Evidence were printed. A Petition from Aaron Anson, received by the Council on 21 September 1855 and printed, claimed that he had lodged with Gray, as Gold Received to Araluen, in October 1854 93 ounces of gold, and in November of the same year 32 ounces of gold, for safe custody, but not for escort, in the belief that the Government guaranteed the safety of such deposits. Anson noted in his Petition that in December Gray had been convicted of fraud and sentenced to four years imprisonment, and “that, your Petitioner, amongst others, has lost the whole of the aforementioned deposits, and has unavailingly applied to the Government for compensation...[and] having been (through the frauds of a Government Officer) subjected to ruinous loss, prays your Honorable House will take his case into favourable consideration, and afford him relief”. The Committee noted that Gray was “from the date of his appointment, in the habit of receiving Gold for Escort, and transmitting the same” to the Office of the Colonial Treasurer and “this has always been recognized as part of his duty. It does not, however, appear that either the Commissioners or Clerks to the Commissioners have ever been authorized to receive Gold for safe custody...in no instance in which a claim has been made, was the Gold kept for transmission by Escort, but, in each case, was deposited with Gray for safe custody only. Your Committee therefore regret that, although several of the cases exhibit circumstances which entitle the complainants to great consideration, inasmuch as they, doubtless, deposited the Gold with Mr Gray, on account of holding the responsible position of Gold Receiver for Escort, yet, as no claim has been established against the Government, your Committee cannot recommend them for compensation”. In view of this recommendation the Council appears not to have taken the matter any further.

**1855/67 COMMITTEE ON CHANGES IN THE ADMINISTRATION  
UNDER THE NEW CONSTITUTION ACT OF 1853**

*Background* On 16 October 1855/67 on the motion of James Martin, the Council appointed a Committee “to inquire into the Powers and Duties of the Chief Officers of the Executive Government, with a view to ascertain if any and what alterations will be necessary to carry out the principle of responsible administration contemplated by the Constitution Act of 1853 and to report thereon...” The *Bill for the New Constitution* had been presented to the (English) Parliament for Royal Assent, but there had been various delays and it was not until 20 July 1855 that the Secretary of State for the Colonies was able to inform the Governor General (by Despatch No. 51) that it had received assent. This information was transmitted to the Council by the Governor General by Message No. 89 on 31 October 1855/76 and the new *Act* and associated documents were printed. However, William Charles Wentworth, “one of the two Members appointed by...the Council...to advocate and support in England the *Constitution Bill*” and who, of course, had been one of the original proponents of the New Constitution, had informed the Council that the Bill had passed the House of Commons in a letter dated 3 July 1855, but still awaited the consideration of the House of Lords. It was this advance information which prompted the appointment of this Committee. On 1 November 1855/77 the Governor General by Message No. 90 had requested the advice of the Council on what “provision should be made in the Estimates for the following year, for the payment of the Salaries of the President and the Officers of the Legislative Council, and for the contingent expenses consequent upon the changes in the form of the Legislature of the Colony”, and this was referred to the Committee on 8 November 1855/81.

*Members of the Committee* James Martin; Charles Cowper; Stuart Alexander Donaldson; The Attorney General (John Hubert Plunkett); Henry Watson Parker; Henry Parkes; George Robert Nichols; George Macleay; Arthur Tod Holroyd; John Bayley Darvall.

*Report of the Committee* The Committee reported on 7 December 1855/97 and the Report was printed. No witnesses were called. The Committee said that at its first meeting it had “requested their Chairman [James Martin] to prepare a Draft Report for consideration” which he did; this long document is printed with the Report. However, the Committee decided “that the important questions which are discussed in it, ought not to be determined by the existing Council, but should be deferred for the decision of the Legislature to be called into existence by the Constitution Act. As, however, the Upper House cannot commence its duties, unless some provision be made for its necessary officials, your Committee, as a temporary measure only would recommend the following scale of Salaries...” The scale is printed, and the total was £4,000.

**1855/67 COMMITTEE ON THE CIRCULAR QUAY**

*Background* The construction of the ‘Semi-Circular Quay’ at the head of Sydney Cove had its beginning with the appointment of a Committee “to examine certain plans and reports relating the construction of a Quay” on 12 July 1833/25 but the work was still unfinished in 1855. There was some doubt about the standard of the workmanship, and concern at apparent unauthorized overspending. On 16 October 1855/67, on the motion of Henry Parkes, the Council appointed a Committee “to inquire into all the circumstances connected with the unauthorized expenditure, by...the Governor [meaning the Executive Government] of the sum of £14,000, and upwards, in the

erection of that portion of the Semi-Circular Quay extending from the east side of the Tank Stream to Campbell's Wharf;--and the stability of the work; and to report to the House".

*Members of the Committee* Henry Parkes; James William Bligh; William Ward; Alexander Park; William Dumaresq; Arthur Tod Holroyd; George Macleay; James Martin; Augustus Morris.

*Witnesses examined by the Committee* Francis Lewis Shaw Merewether, Colonial Treasurer; Charles Doyle, lessee of the Circular Wharf; Benjamin Shaw, an Assistant Harbour Master; John Crook, an Assistant Harbour Master; William Smith, blacksmith; John Tyre, in charge of the stores in the Commissariat Department; Michael Dunn, owner of a water tank for supplying ships; Merion Moriarty, Harbour Master of the Colony; Edmund Walcott, Engineer for the construction of the Wharf; Campbell Drummond Riddell, Colonial Secretary; Thomas Stevenson Rowntree, one of the proprietors of the Waterview Bay Dry Dock; John William Russell; James Barrow Story, proprietor of a steam pile-driving apparatus.

*Report of the Committee* The Committee reported on 6 December 1855/96 and the Report and Evidence were printed. There were two major issues. The first was the alleged cost overrun of £14,000. The Committee agreed that the cost of "works which might reasonably be expected to arise in the progress of an undertaking of such magnitude...which...could not be delayed without injury to the public" was understandable. However, it was concerned that the Engineer's original cost estimate had blown out by a very substantial amount. The Committee absolved the Contractor from blame, since he had acted under the direction and control of the Engineer, who had been remiss in not alerting the Government to the changed financial circumstances. Nevertheless, the Government had acted properly in authorizing the additional expenditure. The conduct of the Engineer was of much more consequence, since several expert witnesses had testified to the poor construction methods used and what was seen to be sub-standard work. "...your Committee are of opinion...that the new portion of the Semi-Circular Quay is so imperfect in its whole structure that it will, in the course of a very short time, require extensive repairs..." The Committee recommended that the Council should advise the Government that there should be a full inquiry, and should direct the Attorney General to take action to recover any overpayments for work which may have been improperly performed. The Governor General, (himself a professional engineer), by Message 117 of 13 December 1855, said that "with regard to the selection of the Engineer...that until a competent Board of professional men is appointed to superintend the various Public Works of the colony, such events as have taken place with regard to the Wharf will constantly recur".

## **1855/68 COMMITTEE ON BETTS' TRUSTEES BILL**

*Background* On 17 October 1855/68, on the motion of Arthur Tod Holroyd, appointed a Committee "for the consideration and report on" *Betts' Trustees Bill*.

*Members of the Committee* Arthur Tod Holroyd; Saul Samuel; George Barney; George Allen; William Montagu Manning (Solicitor General); Daniel Egan; James Robert Wilshire; James Mitchell.

*Report of the Committee* The Committee reported on 25 October 1855/73 and the Report and Evidence were printed. The Committee recommended the Bill to the Council.

**1855/70 COMMITTEE ON THE CLAIM OF MR FRANCIS FLANAGAN**

*Background* On 19 October 1855/70, on the motion of George Robert Nichols, the Council appointed a Committee “to take into consideration the claim of Mr Francis Flanagan to be indemnified for certain damages and expenses incurred in the discharge of his duties as a Magistrate of this Colony”.

*Members of the Committee* George Robert Nichols; Daniel Egan; The Colonial Treasurer (Francis Lewis Shaw Merewether); James Robert Wilshire; The Attorney General (John Hubert Plunkett); Saul Samuel; Edward Flood.

*Witnesses examined by the Committee* Francis Flanagan, jnr; Samuel Frederick Milford, Curator of Intestate Estates; Edmund Plunkett, clerk to the Attorney General.

*Report of the Committee* The Committee reported on 14 December 1855/100 and the Report and the Evidence were printed. The Committee found that Mr Flanagan (who due to infirmity, had been represented by his son) “has a just claim to be reimbursed, for the expense he has been put to by the proper performance of his Magisterial duties under the advice of the Attorney General and the Curator of Intestate Estates...amounting to £338 6s 6d.”

**1855/71 COMMITTEE ON THE BISHOP’S MAINTENANCE LANDS BILL**

*Background* A Deed of Grant of 9 July 1846 provided for the maintenance of the Bishop of Australia and his successors. In 1855 the Bishop, Dr Barker, had been appointed Bishop of Sydney *and* Metropolitan in Australia. The change of title meant that legislation was needed to enable the Bishop “to give leases which would be binding upon his successors”; this would enable them to carry out the objects of the Deed of Grant. The *Bishop’s Maintenance Lands Bill* was referred to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; The Solicitor General (William Montagu Manning); Robert Campbell; George Robert Nichols; Edward Flood; James William Bligh; George Allen; Daniel Cooper; George Macleay.

*Witness examined by the Committee* [William Barker appeared as solicitor for the Bill]; Henry Kerrison James, Secretary to the Lord Bishop of Sydney.

*Report of the Committee* The Committee reported on 25 October 1855/73 and the Report and evidence were printed. The Committee recommended the Bill to the Council.

## 1855/76 COMMITTEE ON THE ST JAMES' GLEBE TRUSTEES BILL

*Background* The Church of St Mark's in the Parish of Alexandria (North) desired to erect a school house and a rectory but no land was available in the Parish. Discussions had been held with the inhabitants of the neighbouring Parish of St James and after due consultation the Trustees of St James, who were agreeable to the proposals from St Mark's, agreement was reached that the St James' Glebe Trustees would give up sufficient land for the purpose. On the motion of the Solicitor General (William Montagu Manning), the Council referred the *St James' Glebe Trustees Bill* to a Committee for consideration and report.

*Members of the Committee* The Solicitor General (William Montagu Manning); Stuart Alexander Donaldson; Daniel Cooper; Charles Cowper; Thomas Icely; Phillip Parker King; George Allen; Arthur Tod Holroyd.

*Witnesses examined by the Committee* [Robert Johnson appeared as solicitor for the Bill]; The *Revd* George Fairfowl Macarthur, Rector of St Marks' Church; The *Revd* Robert Allwood, Rector of St James' Church.

*Report of the Committee* The Committee reported on 29 November 1855/93 and the Report and Evidence were printed. It recommended the Bill to the Council.

## 1855/90 COMMITTEE ON THE SURRY HILLS CHURCH TRUSTEES BILL

*Background* Land had been granted by the Government for the erection of a Church, Parsonage and School House in connexion with the Church of England at the Surry Hills. A Church was in the course of building on land purchased elsewhere, and the remaining land was considered to be unsuitable: "[It] is upon an ugly sand hill, between the Military Barracks and the Surry Hills, and it is quite ineligible for buildings of this kind". On the motion of Charles Cowper on 23 November 1855/90, the Council referred the *Surry Hills Church Trustees Bill* to a Committee for consideration and report.

*Members of the Committee* Charles Cowper; Thomas Barker; George Barney; James William Bligh; Daniel Cooper; William Dumaresq; Phillip Parker King; James Mitchell.

*Witness examined by the Committee* Henry Lumsdaine, one of the Trustees.

*Report of the Committee* The Committee reported on 27 November 1855/91. The Report and Evidence were printed. The Committee recommended the Bill to the Council.

## 1855/92 COMMITTEE ON SILLITOE'S TRUSTEES BILL

*Background* On 28 November 1855/92, on the motion of Charles Cowper, the Council appointed a Committee to consider and report on *Sillitoe's Trustees Bill*. It dealt with "an Indenture...between Thomas Icely...of the first part, Acton Sillitoe, merchant, of the second part, Sarah Sillitoe [his wife]...of the third part, and Archibald Windeyer...and Archibald Mitchell [as Trustees]..." Sillitoe had purchased land in Double Bay, "and instead of having the conveyance taken to himself he had the land conveyed to the

Trustees...for the benefit of his wife and children. The trust for sale mentioned in this Bill is postponed until the death of his wife or the majority of the youngest child, whichever shall last happen". The only Trustee surviving was Archibald Mitchell and the purpose of the Bill was to allow him to sell or mortgage the land for the present benefit of the wife and children.

*Members of the Committee* Charles Cowper; George Allen; Thomas Barker; George Barney; James William Bligh; Daniel Cooper; William Dumaresq; Edward Flood; Alexander Park.

Witnesses examined by the Committee W G Pennington, solicitor for the Bill; Archibald Mitchell; Acton Sillitoe.

*Report of the Committee* The Committee reported on 4 December 1855/94 and the Report and evidence were printed. In Evidence, Mitchell as Trustee reported that at least half of the land could be sold profitably and that by re-investing the proceeds the value of the Trust could be increased; both Sillitoe and his wife had concurred. The Committee advised the Council that the Bill should proceed, except that an investment in Bank Stock should not be allowed.

## **1855/98 COMMITTEE ON THE CAPTURE OF SEBASTOPOL**

*Background* A turning point in the long running Crimean War was the capture of the Russian naval base at Sebastopol in the Black Sea. This prevented the Russian Navy from operating in the Mediterranean—many of its war ships were scuttled—although it can scarcely have had any effect in reducing the imagined threat to the Colony of New South Wales which had strengthened its land based artillery in Port Jackson (Sydney Harbour) at Middle Head and Fort Denison. Sebastopol fell to the Allied Forces on 8-9 September 1855; the news reached Sydney on 11 December 1855, and on that day the Council appointed a Committee “to prepare a Congratulatory Address to Her Majesty on occasion of this Great Victory”.

*Members of the Committee* Charles Cowper; The Surveyor General; Stuart Alexander Donaldson; Edward Flood; Phillip Parker King; James Martin; George Robert Nichols; Henry Parkes; The Attorney General (John Hubert Plunkett); The Colonial Secretary (Campbell Drummond Riddell).

*Report of the Committee* The Committee withdrew to prepare the Address which was then adopted without change by the Council. The two short paragraphs are printed in the report of the day's proceedings: there is scarcely need to reproduce them here, but the following extract may give an impression of their flavour—“...the intelligence which has today reached our shores...has filled all classes of Your Majesty's subjects...with a joy which no language of theirs can give adequate expression...”

The Council sat on a number of days until it was prorogued on 11 December 1855/104 until 12 February 1856 (perhaps because it was expected that the new bicameral Parliament would have met by then---it was in fact opened on 22 May 1856); no further Select Committees were appointed in those last days of the original Legislative Council.



# INDEX TO THE SELECT COMMITTEES

1824-1856

The index is to keywords in the title of the Committee or in the description of the subject before the Committee, and to the names of the Committee members and persons giving evidence before the Committee. The names of the successive Governors are rarely noted, however, since they never sat on Committees. Some entries for individuals include brief descriptions of who or what they were—e.g., ‘Bolster, William *mason and builder*’. Most of these entries date from the compilation of the later parts of the work, and should not be taken to be complete for any one individual since titles and or occupations varied from time to time. It has been impractical to add such descriptions retrospectively.

Occasionally a member was appointed, on the same sitting day, to more than one Committee, so that references to a Member, or to the subject of a Committee, may have to be sought in more than one entry. Users of this work should be aware that a number of matters were dealt with by the Council sitting as a Committee of the Whole: since in general no Reports were printed for the information of the Council in Committee as was the case with Select Committees, the Committees of the whole Council do not appear here, except in rare instances such as the Distillation Regulation Bill of 1838/49 when the full Council had printed documents before it.

**The references in this Index are to year and number of the sitting day. Thus 1838/7 means the seventh sitting day of the 1838 Session. When there were two Sessions in a year the convention 1843(1)/15 or 1843(2)/17 is used.**

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*Clergy and School Lands* 1829/4  
*Clergy Stipends* 1854/27  
 Close, Edward Charles 1829/11, 1830/10, 1832/29, 1830/11, 1830/16, 1832/35,  
 1832/39, 1832/43, 1832/58, 1835/9, 1835/18, 1835/31, 1838/5, 1838/8,  
 1838/10, 1846 (1)/8  
*Coal* 1847/11, 1850/36  
*Cock Fighting* 1841/4

*Cockatoo Island Dry Dock* 1847/18, 1849/15, 1852/20  
 Cockerell, John *pawnbroker* 1854/22  
 Coghill, John 1838/21, 1839/8, 1843(2)/13, 1843(2)/38, 1844/15, 1844/42, 1844/43, 1844/73  
*Coins* see *Currency*  
*Colonial Architect* 1855/31 [See also the names of individual Colonial Architects]  
*Colonial Storekeeper* 1852/65  
 Cole, Robert Martin 1844/7  
 Collett, William Rickford *Road Surveyor* 1854/10  
 Collins, John G 1837/2  
*Common Lodging Houses* see *Lodging Houses*  
*Commercial Banking Company of Sydney* 1835/9, 1846 (2)/9, 1848/17, 1852/83, 1854/52  
*Commissariat* 1832/32  
*Compensation for officers deprived of their posts* 1844/53  
 Condell, Henry *of Melbourne* 1844/7, 1849/25  
 Connor, Patrick *Inspector in the Sydney Police* 1854/3  
*Congregationalists* 1834/4  
*Constables* see *Police*  
*Constitution* 1850/1, 1851(1)/1, 1851(1)/4, 1852/6, 1852/32, 1853/9, 1855/67  
*Convicts* 1825/30, 1844/10, 1844/17, 1846(2)/21  
 Cook, Thomas 1839/8, 1844/7, 1844/13  
*Cooks River* 1851(2)/22, 1854/54  
 Cooper, Daniel *jnr* 1849/33, 1849/38, 1849/48, 1849/75, 1850/7, 1850/27, 1851(1)/4, 1855/13, 1855/31, 1855/40, 1855/44, 1855/52, 1855/70, 1855/71, 1855/90  
 Cooper, Robert 1838/49, 1844/43, 1855/19, 1855/76  
*Copies of Laws* 1828/1  
*Copyright* 1850/18  
 Corby, Robert *First Clerk of Works in the Colonial Architect's Department* 1855/31  
*Corn* see *Wheat and other Grains*  
 Cornish, Edward, *of Wellington Valley*, 1847/43  
 Cosby, Henry 1839/8  
 Cosgrove, James 1844/17  
 Cotton, Michael Cullen, *Collector of Customs* 1829/8, 1829/10, 1830/10  
 Cotty, John *overseer at Gabo Island* 1849/33  
*Court Houses* 1847/4  
*Court of Vice-Admiralty* 1845/17  
*Courts of Requests* see *Small Debts Courts*  
 Cowlshaw, James *junior assistant in the City Engineer's Department* 1855/4  
 Cowlshaw, Thomas, *master builder and City Councillor* 1838/8, 1838/21, 1843(2)/10, 1849/4  
*Compasture Road* 1843(2)/69  
 Cowper, Charles 1839/8, 1843(2)/3, 1843(2)/22, 1843(2)/58, 1843(2)/60, 1843(2)/65, 1843(2)/69, 1844/5, 1844/7, 1844/13, 1844/17, 1844/35, 1844/39, 1844/42, 1844/45, 1844/53, 1844/59, 1844/63, 1845/5, 1845/6, 1845/7, 1845/9, 1845/13, 1845/14, 1845/17, 1847/7, 1845/21, 1845/22, 1845/27, 1845/31, 1846 (1)/1, 1846 (1)/8, 1846 (2)/5, 1846 (2)/6, 1846 (2)/9, 1846 (2)/13, 1847/1, 1847/4, 1847/7, 1847/9, 1847/11, 1847/43, 1847/64, 1848/3, 1848/4, 1848/12, 1849/3, 1849/4, 1849/8, 1849/10, 1849/11, 1849/12, 1849/25, 1849/33, 1849/41, 1849/45, 1849/48, 1849/64, 1851(2)/4, 1851(2)/11, 1851(2)/28, 1852/29, 1852/32, 1852/33, 1852/34, 1852/50, 1852/51, 1852/59, 1852/62, 1852/65, 1852/83, 1853/2, 1853/3, 1853/6, 1853/8, 1853/9, 1853/10,

1853/14, 1853/15, 1853/19, 1853/23, 1853/53, 1853/59, 1853/61, 1853/69,  
 1853/72, 1854/2, 1854/3, 1854/4, 1854/8, 1854/10, 1854/14, 1854/18,  
 1854/20, 1854/21, 1854/22, 1854/28, 1854/29, 1854/32, 1854/35, 1854/36,  
 1854/41, 1854/44, 1854/45, 1854/46, 1854/50, 1854/65, 1854/70, 1854/79,  
 1854/82, 1855/1, 1855/2, 1855/3, 1855/4, 1855/8, 1855/9, 1855/10, 1855/12,  
 1855/13, 1855/15, 1855/16, 1855/20, 1855/21, 1855/24, 1855/27, 1855/28,  
 1855/34, 1855/35, 1855/52, 1855/67, 1855/71, 1855/76, 1855/90, 1855/98  
 Cowper, *Revd Dr* William 1845/9  
 Cox, Edward 1839/8, 1844/7, 1852/1, 1852/21, 1852/50, 1853/19, 1853/61, 1854/28  
 Cox, George 1832/29, 1837/2, 1841/1, 1842/2, 1844/7  
 Cox, Henry 1844/7  
 Cox, William *senr* 1832/29  
 Cox, William *jnr* 1832/29, 1839/8, 1843(2)/10  
 Coyle, Joseph 1843(2)/10  
 Crauford, John Drummond 1843(2)/58  
 Crawford, Robert 1844/7  
 Crawley, George *merchant* 1852/3  
*Creditors* see *Insolvency*  
 Crichton, Constantine Talbot 1844/7  
*Cricket* 1841/4  
 Croasdill, William 1854/14  
 Croft, Thomas *wharfinger* 1848/12  
 Crosby, William 1843(2)/58  
 Crook, John *Assistant Harbour Master of Port Jackson* 1854/19, 1855/67  
*Crown Lands* 1829/4, 1832/14, 1839/1, 1839/27, 1840/17, 1842/2, 1843(2)/7, 1844/7,  
 1844/59, 1847/43, 1849/14, 1851(1)/4, 1852/6, 1852/32, 1853/10, 1854/32,  
 1855/8  
 Crummer, James Henry 1839/8, 1845/10  
*Cumberland, County* 1835/2, 1844/13, 1845/4, 1845/22  
 Cunningham, Archibald 1844/7  
 Cunningham, George *carpenter and joiner* 1855/15  
 Curby, Joseph *pawnbroker* 1854/22  
 Curlewis, George Campbell 1839/8, 1844/7  
 Curr, Edward 1844/7  
*Currency* 1852/16, 1852/34, 1852/64, 1853/25  
 Curtis, James *undertaker* 1855/44  
 Curtis, Thomas Vincent, *Clerk of the George Street Market* 1841/4  
*Custom House* 1844/15, 1844/45  
*Customs* see also *Bonded Stores*  
*Customs* 1829/8, 1829/10, 1852/32, 1839/11  
 Cuthill, *Dr* 1854/3

## D

Dacre, Ranulph 1839/8, 1841/4, 1843(2)/38  
 Dalhanty, Lawrence V, *Commissioner of Crown Lands* 1839/1, 1842/2  
 Dalhanty, Robert Vernon 1844/7  
 Dalley, John 1850/27  
 Dana, H E Pultney, *Commandant, Native Police*, 1849/25

Dangar, Henry 1844/7, 1845/5, 1845/7, 1846 (1)/8, 1846 (2)/16, 1847/4, 1847/7, 1847/11, 1849/26, 1850/3, 1850/9, 1850/36, 1851(1)/4

Daniel, Silvanus Brown 1844/7

Darby, Sydney Hudson *magistrate in the New England District* 1854/8

Darley, Benjamin *Captain* 1854/19

*Darlinghurst Gaol* see *Gaols*

Darlot, James Moncton *of Brighton in the Wimmera District* 1849/25

Darvall, Frederick Orme *one of the City Commissioners* 1885/4

Darvall, John Bayley 1844/35, 1844/49, 1844/73, 1845/4, 1845/15, 1845/17, 1846(1)/1, 1846 (2)/5, 1846 (2)/9, 1846 (2)/13, 1847/7, 1846/14, 1847/60, 1849/25, 1849/30, 1849/41, 1849/64, 1850/1, 1850/4, 1850/30, 1851(2)/7, 1851(2)/21, 1852/11, 1852/16, 1852/34, 1852/50, 1852/62, 1853/2, 1853/6, 1853/9, 1853/22, 1853/25, 1854/1, 1854/8, 1854/22, 1854/28, 1854/65, 1855/19, 1855/67

Davey, Abraham 1853/2

Davy, Abraham 1838/8

Dawes, William *merchant and solicitor* 1834/4, 1838/7, 1844/73, 1845/6, 1848/3, 1851(2)/12

Day, Edward Dinney (*or* Denny) 1839/8, 1845/7

*Deal Island* 1842/25

Deane, R H 1845/5

*Deaths* 1844/35

*Debentures* 1841/25, 1848/1

*Debtors* see *Insolvency*

*Defence* 1853/30

Deloitte, William Salmon *merchant* 1841/4, 1843(2)/38, 1844/73, 1845/6, 1855/57

De Mestre, Prosper 1834/4, 1840/21

Denham, *Captain*, R.N 1853/30

Denison, *Sir* William *Lieutenant Governor of Van Diemen's Land, later Governor General of New South Wales* 1849/15

*Depasturing* see *Crown Lands*

*Depression, Financial* 1843(2)/13, 1843(2)/58, 1844/5, 1844/42, 1844/73

*Deserters from ships* 1852/9

Despard, *Colonel* Henry, *Commander of the 99<sup>th</sup> Regiment* 1847/4

De Salis, Leopold Fane, *of the Murrumbidgee District*, 1844/7, 1847/43, 1855/28

De Salis, William Fane, *Director of the Union Bank of Australia*, 1847/14

*Destitute Children* 1852/29, 1853/3, 1854/3, 1854/94, 1855/3

Dickinson, *The Hon* J N, *Senior Puisne Judge of the Supreme Court* 1846(2)/5

Dickson, John 1849/25, 1849/26, 1849/38, 1850/2, 1850/3, 1851(1)/2

Dillon, John Moore *Criminal Crown Solicitor* 1844/49, 1853/14

*Dingo* see *Native Dog*

*Direct Remission* 1854/58

*Distillation* see *Spirits*

*District Councils* 1844/17

Dixon, John 1829/1, 1845/7

Dobie, John *surgeon and landholder, of the Clarence River District*, 1838/21, 1839/9, 1844/7, 1845/13, 1847/43, 1852/3, 1852/29, 1852/51, 1853/3, 1853/14, 1853/26, 1853/32, 1854/2, 1854/3, 1854/8, 1854/18, 1854/32, 1854/44, 1854/50

Dobbin, Charles *Lieutenant* R.N. 1855/31

Docker, *Revd* Joseph 1841/1, 1845/10, 1846 (1)/8

*Dogs* see also *Native Dog*

*Dogs 1830/10*

Donaldson, Stuart Alexander 1844/7, 1845/6, 1848/1, 1848/4, 1849/3, 1849/33, 1849/45, 1849/45, 1849/48, 1850/1, 1850/2, 1850/7, 1850/9, 1850/11, 1850/18, 1850/25, 1850/36, 1851(1)/1, 1851(1)/2, 1851(1)/4, 1851(2)/4, 1851(2)/12, 1851(2)/21, 1851(2)/22, 1851/1, 1852/2, 1852/3, 1852/6, 1852/32, 1852/33, 1852/50, 1852/62, 1852/65, 1852/83, 1854/58, 1855/1, 1855/2, 1855/10, 1855/12, 1855/13, 1855/19, 1855/20, 1855/21, 1855/24, 1855/28, 1855/52, 1855/67, 1855/76, 1855/90, 1855/98

Donaldson, William *employed on the construction of the Burwood tramroad 1853/53*

Donnelly, Ross, *Barrister*, 1841/12, 1846 (2)/5, 1847/7, 1849/30

Donnison, Henry 1844/7

Dorsey, William McTaggart *of Moreton Bay 1855/28*

*Double Bay 1855/27*

Dougall, *Revd John Presbyterian minister 1855/4*

1852/62, 1852/64, 1853/3, 1853/6, 1853/14, 1853/22, 1853/26, 1853/30, 1853/53, 1853/61, 1853/63, 1853/69, 1853/72, 1854/3, 1854/8, 1854/10, 1854/14, 1854/22, 1854/27, 1854/28, 1854/36, 1854/46, 1854/82, 1855/3, 1855/12, 1855/13, 1855/15, 1855/19, 1855/21, 1855/34, 1855/40

Dowling, *Sir James, Chief Justice 1837/16, 1838/1, 1838/7, 1840/21, 1840/30, 1841/12, 1842/1*

Dowling, James Sheen *Police Magistrate of Sydney 1852/9, 1854/3, 1854/8*

Dowling, Vincent 1844/7

Dowsett, Samuel Bailey *newspaper reporter 1849/4*

Doyle, Charles *lessee of the Circular Wharf 1855/67*

Dreutler, Augustus *Consul for Bremen and Lubeck 1852/3*

Driver, Richard *member of the Sydney Corporation 1849/4*

Driver, Richard *jnr 1853/14, 1855/13*

*Drunkenness see Intemperance*

*Dry Dock see Cockatoo Island Dry Dock*

Duggan, Thomas Blake *grazier in the Lower Murrumbidgee area 1849/14*

Duguid, Leslie 1841/25, 1845/6

*Duke of Roxburgh, ship 1842/2*

Dulhunty, Robert Venour 1839/8, 1845/13

Dumaresq, Henry 1837/2

Dumaresq, *Captain William 1843(2)/40, 1843(2)/58, 1843(2)/69, 1844/5, 1844/17, 1844/35, 1844/45, 1844/53, 1844/63, 1845/6, 1845/7, 1845/13, 1846 (1)/8, 1846 (2)/16, 1847/4, 1847/7, 1847/18, 1847/64, 1848/3, 1851(2)/11, 1851(2)/28, 1852/3, 1852/14, 1852/83, 1853/23, 1853/30, 1853/32, 1853/53, 1853/59, 1853/68, 1853/69, 1854/2, 1854/8, 1854/10, 1854/28, 1854/46, 1855/15, 1855/19, 1855/27, 1855/28, 1855/34, 1855/52, 1855/67, 1855/90*

Dumas, Alexander George *Secretary to the Classification Board of Cockatoo Island 1852/20*

Duncan John *chief officer of the immigrant ship Mary Bannatyne 1849/14*

Duncan William Augustine 1844/17, 1845/7, 1845/10

Dunlop, David 1839/8, 1841/25, 1844/7, 1833/13

Dunn, Michael *proprietor of a tank for watering ships 1855/67*

Durbin, Henry *Commissioner of Crown Lands 1852/21, 1852/50*

*Durham, County 1844/13*

*Duties see Rates and Duties*

Dutton, William Hampden 1838/10, 1838/21

## **E**

- Eales, John *coal miner owner* 1854/46  
Earl, George Windsor 1843(2)/35, 1855/13  
Ebden, Charles Hotson 1838/7, 1843(2)/10, 1843(2)/13, 1843(2)/40  
Ebsworth, James Edward 1839/8, 1844/7  
Edhouse, John *Master of the Institution for Destitute Children* 1854/3  
*Education* see also *Nautical School*  
*Education* 1844/17, 1848/1, 1854/28, 1855/4  
Edwards, William *former Inspector of Workers on railways in Great Britain, and resident engineer for William Randle* 1855/4  
Edwards, Thomas Dyer 1838/7  
Egan, Daniel 1843(2)/38, 1854/14, 1854/22, 1854/28, 1854/29, 1854/46, 1854/54, 1854/73, 1855/10, 1855/20, 1855/24, 1855/31, 1855/44, 1855/68, 1855/70  
*Eleanor, ship* 1842/2  
*Elections and Qualifications* 1851(2)/8, 1854/8, 1855/3  
*Elective Franchise* 1844/13  
Elliott, Gilbert *Police Magistrate of Parramatta, later Chief Commissioner of the Corporation of Sydney* 1845/7, 1845/10, 1847/4, 1854/65, 1855/4  
Elliott, James *Attorney* 1849/8  
Elliott, Thomas Frederick, *Land and Emigration Commissioner* 1840/17  
Elms, G W 1845/5  
Elwin, Hastings 1843(2)/10, 1843(2)/22, 1843(2)/31, 1843(2)/35, 1843(2)/40, 1844/73, 1845/6, 1845/17  
Elyard, Alfred *Chief Clerk of the Supreme Court* 1852/34  
Elyard, William *Chief Clerk in the Colonial Secretary's Office* 1855/58  
*Emigration* see *Immigration*  
*Estimates of Expenditure, deficiencies in 1842* 1843(2)/60  
Everett, G 1845/5  
*Exhibitions*, see the names of exhibitions

## **F**

- Faithful, William Pitt 1832/29, 1839/1, 1844/7, 1847/43  
Falconer, Charles 1841/25  
Falconer, James John *Superintendent of the Bank of Australasia* 1850/11, 1851(2)/21  
*Family Colonization Loan Society* 1855/15  
Fanning, William 1854/79  
*Farms* 1841/4  
Farquhar, George Leslie *of Darling Downs* 1849/45  
Fattorini, Charles Lamonnerie Dictus, *medical practitioner* 1849/38  
Faunce, Alured Tasker 1844/7  
*Female Children* 1850/24  
*Female Factory* 1825/30  
*Female School of Industry* 1850/24  
Fenwick, Nicholas Alexander 1844/7  
Finch, Charles Wray 1853/14, 1853/22, 1853/30, 1853/59, 1854/8, 1854/22, 1854/27; 1854/28, 1854/44, 1854/82, 1855/9, 1855/21, 1855/28  
Firebrace, William 1844/7

*Fire Brigade* 1854/79  
 Fisher, Henry *Alderman in the Corporation of Sydney* 1838/49, 1849/4, 1852/22  
 Fisher, T J 1854/54  
*Fishing, for pleasure* 1841/4  
 Fitzgerald, John Coghlan R.N., *in command of H.M.S. Calliope* 1854/8, 1854/19  
 Fitzgerald, Richard 1832/r  
 Fitzgerald, Robert 1844/7, 1846 (1)/8 , 1850/18, 1851(1)/4, 1852/25, 1855/12, 1855/21  
 Fitzpatrick, Michael *a senior clerk in the Colonial Secretary's Office* 1854/14  
*Fitz Roy Iron and Coal Mining Company* 1854/28  
 Fitzsimon, Patrick *inn keeper at Parramatta* 1849/33  
 Flaherty, John Ryder, *Deposition Clerk at the Hyde Park Barracks* 1844/10  
 Flanagan, Francis 1845/10, 1855/70  
 Flanagan Francis jnr. 1855/70  
 Flavell, Henry *qualified assayer* 1851(2)/21  
 Fletcher, William *Inspector of the Union Bank of Australia* 1850/11, 1851(2)/21, 1852/50  
*Flinders Island* 1838/23, 1845/10  
 Flood, Edward *Mayor of Sydney in 1849, later Member of the Legislative Council* 1838/8, 1847/4, 1849/4, 1851(2)/21, 1851(2)/22, 1852/5, 1852/8, 1852/9, 1852/20, 1852/21, 1852/22, 1852/25, 1853/6, 1853/10, 1853/15, 1853/22, 1853/23, 1853/49, 1853/53, 1853/59, 1853/61, 1853/68, 1853/69, 1853/72, 1854/4, 1854/10, 1854/14, 1854/21, 1854/22, 1854/28, 1854/29, 1854/32, 1854/35, 1854/46, 1854/65, 1854/70, 1854/73, 1854/79, 1854/82, 1854/84, 1855/3, 1855/4, 1855/8, 1855/8, 1855/10, 1855/12, 1855/20, 1855/31, 1855/44, 1855/52, 1855/67, 1855/70, 1855/71 , 1855/98  
 Flower, Horace, *of Portland,* 1847/4, 1849/25  
*Food* see *Adulteration of Food*  
 Forbes, Francis, *Chief Justice* 1829/1, 1829/5, 1829/8, 1829/12, 1830/5, 1830/10, 1830/11, 1830/22, 1831/1, 1832/1, 1832/2, 1832/10, 1832/29, 1832/35, 1833/16, 1834/4, 1834/9, 1834/31, 1835/1, 1835/2  
 Forbes, George 1832/29  
*Foreign Attachment* see *Insolvency*  
 Forrester, James 1847/4  
 Forster, Thomas 1844/7  
 Forster, William 1844/7, 1855/31  
 Foss, Ambrose *chemist and druggist* 1843(2)/ , 1849/38  
 Foster, John Fitzgerald Leslie 1844/7, 1846 2)/5, 1847/4, 1847/7, 1847/43, 1849/25, 1849/41, 1849/45  
 Foster, Samuel 1842/30  
 Foster, William 1843(2)/31, 1843(2)/65, 1844/11, 1844/73, 1845/4, 1845/7, 1845/17, 1847/60  
 Fox, Henry Thomas *Captain* Henry Thomas 1854/19  
*Elective Franchise* see *Franchise*  
 Franklin, Sir John *Lieutenant-Governor of Van Diemen's Land* 1841/4  
 Fraser, Alexander *solicitor* 1854/28  
 French, Acheson 1844/7  
 Fry, Oliver *Commissioner of Crown Lands for the Clarence River,* 1847/4, 1847/43  
 Fullerton, Revd James *Presbyterian Minister at Scot's Church* 1844/17, 1853/14, 1854/27, 1855/4  
 Furlong, Robert 1844/7  
 Fyans, Foster *Commissioner of Crown Lands* 1844/7, 1845/5, 1845/10, 1849/25

## G

- Gabo Island* 1842/25, 1845/22, 1849/33, 1854/22  
Gale, Joseph *resident engineer of the Hunter River Railway Company* 1854/10  
Gammie, George 1852/3  
Gannon, Michael 1838/8, 1842/8, 1849/8  
*Gaols* 1835/1, 1836/11, 1839/8, 1844/17, 1844/53, 1849/11  
Gardiner, Henry *Commissioner of Crown Lands for the Leichhardt District* 1855/31  
Garling, Frederick *Landing Surveyor in the Customs Department* 1854/41  
Garvey, Edward *stone cutter at Gabo Island* 1849/33  
Garvin, Henry *an Inspector of the Sydney Police* 1854/8  
*Gas Company* see *Australasian Gaslight Company*  
Gaunson, Francis 1843(2)/29  
Geary, William Henry 1844/7  
Geelong 1841/25, 1844/53, 1845/35  
*George's River* 1844/42  
Gibbes, John George Nathaniel, *Collector of Customs* 1834/12, 1834/24, 1834/32, 1835/9, 1835/18, 1837/9, 1837/15, 1837/16, 1837/26, 1838/5, 1838/8, 1838/23, 1839/1, 1839/8, 1839/41, 1840/19, 1840/21, 1841/4, 1841/10, 1841/16, 1841/25, 1842/8, 1842/14, 1842/23, 1842/25, 1843(2)/38, 1844/5, 1844/15, 1844/39, 1844/43m 1844/53, 1845/22, 1847/9, 1847/18, 1848/2, 1849/15, 1850/7, 1850/18, 1852/9, 1852/20, 1852/33, 1852/50, 1853/14, 1853/30, 1854/41  
Gibbes, William *clerk to the Supreme Court* 1852/42  
Giblet, John *of South Creek, Penrith* 1855/28  
Gibson, Andrew 1838/10, 1839/8  
Gilchrist, John, *Director of the Union Bank of Australia* 1845/6, 1847/7, 1846/14, 1852/3  
Gill, John 1846 (1)/8  
Gill, Martin 1834/33  
Gilmore, George *Commander of the ship Yarra Yarra* 1854/22  
Gisborne, H Fysche 1839/1, 1839/8  
*Gladstone (town)* 1855/31  
Glenelg, Lord, *Secretary of State for War and the Colonies* 1835/1, 1837/2, 1838/14, 1838/23  
Glennie, James 1839/1  
Goderich, *Viscount, Secretary of State for War and the Colonies* 1836/11  
*Gold* see also names of Gold Mining Companies  
*Gold* 1851(2)/7, 1851(2)/21, 1852/9, 1852/50, 1853/12, 1853/14, 1853/19, 1853/25, 1855/58  
Golden, Michael *Building Surveyor, City of Sydney* 1854/8  
*Golden Ridge Quartz Crushing Company* see *Turon Golden Ridge Quartz Crushing Company*  
Goldsmith, Adolphus, *of Travallo* 1849/25  
Goodall, Richard Wright 1848/3  
Gordon, Hugh *sheep proprietor and landholder* 1849/45  
Gordon, James, *Lieutenant-Colonel, Commanding Royal Engineers* 1847/18, 1847/64  
Gordon, John 1846 (2)/5  
Gordon, William Francis 1844/7  
Gore, Charles 1838/7  
Gore, *Captain* John 1844/7  
*Gosford* 1844/13  
*Goulburn* 1838/14, 1844/7

Goulburn, Frederick, *Colonial Secretary* 1825/30, 1843(2)/29  
*Government House, Parramatta* 1855/21  
*Government House, Sydney* 1836/11  
Graham, Robert 1843(2)/58, 1845/13  
*Grapes* 1849/45  
Grant, James Macpherson 1843(2)/10  
Grant, Patrick 1839/8, 1847/11, 1848/12  
*Grant, County (Port Phillip)* 1834/10  
Gray, Charles George 1844/7 [*probably*] *Clerk of Petty Sessions at Major's Creek* 1855/58  
Gray, James Mackay 1844/7  
Gray, William Nairn 1844/7, 1845/10  
*Great South Road* 1844/42, 1851(2)/21  
*Great Nugget Vein Gold Mining Company* 1852/62  
*Great West Road* 1851(2)/7  
Green, Charles Henry *Gold Commissioner for the Western District* 1852/50, 1854/8, 1854/32  
Green, James 1843(2)/10  
Greenup, Richard *Medical Officer at Parramatta and Visitor to Tarban Creek Lunatic Asylum*  
1854/8, 1855/31  
Gregan, Thomas *pawnbroker* 1854/22  
Gregory, George Philip Foster *Prothonotary and Registrar of the Supreme Court* 1849/8  
Grenald, John 1849/8  
Grey, William *surgeon* 1855/31  
Grey, Earl, *Secretary of State for the Colonies*, 1848/1, 1851(1)/4, 1852/6, 1852/32  
*Grievances* 1844/7, 1844/17, 1844/59, 1851(2)/12, 1852/32  
Griffith, Charles James, *of Glenmore, Bacchus Marsh* 1849/25  
Griffiths, George Richard 1841/25, 1843(2)/13  
Grimes, Edward, *of Broken River* 1849/25  
Grimes, James 1843(2)/58  
Grose, Joseph Hickey 1837/2, 1838/7  
Guerin, Dennis 1854/65  
Guest, Martin *property owner in Sydney* 1852/22  
Guilfoyle, Michael *nurseryman* 1855/24  
Gunning, John *stonemason* 1854/45  
Gurner, John *solicitor* 1838/7, 1841/12, 1845/17, 1846 (2)/5

## H

Haege, Hermann *merchant* 1852/3  
Haggarty, Elizabeth *former patient at the Lunatic Asylum at Tarban Creek* 1855/31  
Haig, Isaac 1844/7  
Hale, James 1847/4  
Hale, Thomas 1851(2)/21  
Hall, Edward Smith 1843(2)/65  
Hall, Henry 1844/7  
Hall, Thomas 1844/7  
Hall, William 1844/7  
Hallen, Ambrose, *Colonial Architect* 1833/25  
Hallen, Edward 1832/39  
Ham, Revd John, *formerly of Port Phillip* 1849/25

Hamilton, Edward 1841/1, 1843(2)/7, 1843(2)/13, 1843(2)/29, 1843(2)/31, 1844/5,  
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 1849/26, 1849/30, 1849/33, 1849/45, 1849/48  
 Hamilton, George *baker* 1855/12  
 Hamilton, Hart William 1843(2)/13, 1845/5, 1845/7  
 Hamilton, Robert, *of Polkimon*, 1849/25  
 Hanlon --- *superintendent of carpenters working on the new Custom House* 1844/45  
 Hardie, ---*miner working on the Tunnel* 1833/12  
 Hardy, John Richard *Chief Commissioner of the Gold Fields* 1839/8, 1844/7, 1852/50  
 Harnett, Laurence 1844/7  
 Harper, Henry 1852/50  
 Harper, John 1838/23  
 Harris, Matthew 1838/8  
 Harris, Robert *former law officer of the London Corporation* 1854/22  
 Harvie, James 1833/12 *miner working on the Tunnel*  
 Harvie, William 1833/12 *miner working on the Tunnel*  
*Haslem Creek* 1852/9  
*Hassan's Walls* 1838/14  
 Hawdon, John 1844/7  
*Hawkesbury* 1839/38  
*Hawkesbury, River* 1845/22  
 Hayes, Henry Smithers, *miller* 1848/12  
*Hawkesbury Benevolent Society* 1839/38  
 Hawkesley, Edward Jofhn *resident of Sydney* 1852/22  
 Hay, John 1854/73  
 Hayes, Catherine 1854/3  
 Hebblewhite, Samuel *property owner and resident of Sydney* 1852/22, 1854/22  
 Henderson, John *Captain of the ship Neptune* 1852/9  
 Henderson, John *former member of the Sydney Corporation* 1849/4  
 Henty C S 1841/4  
 Henty, Edward 1844/7  
 Henty, S G 1844/7  
 Heydon, Jabez King *former pawnbroker* 1854/22  
 Hickey, Edwin 1847/  
 Higgins, Andrew *Inspector of Slaughter Houses* 1848/12  
 Higgins, *Jeremiah* *Inspector in the Sydney Police* 1854/3  
 Higham, John *surveyor and civil engineer* 1854/46  
*Highways* see *Roads*  
 Hill, Edward Smith 1852/50  
 Hill, George *carcass butcher and City Councillor* 1848/12  
 Hill, Patrick 1846 (1)/8  
 Hill, Richard 1852/50  
 Hilly, John Frederick 1853/15, 1855/19  
*Hinton* 1838/14  
 Hobbs, Frederick 1838/8  
 Hobbs, W *Chief Constable at Windsor* 1854/3  
 Hodgson, Arthur, *of Moreton Bay*, 1847/43  
 Holden, Alfred 1839/8  
 Holden, George Kenyon *attorney* 1841/12, 1845/6, 1845/14, 1845/17, 1849/30,  
 1853/19, 1853/53, 1853/59, 1853/72

Holden, John Rose 1851(2)/7, 1851(2)/12, 1851(2)/21, 1851(2)/28, 1852/14, 1852/25, 1852/62, 1854/27, 1854/44, 1854/65, 1855/4, 1855/9, 1855/21

Holland, Philip 1845/13

Holland, William *railway engineer* 1852/3

Hollinshed, Henry *member of the Sydney Corporation* 1849/4, 1852/22

Holmes, Thomas *shipping butcher* 1848/12 ,

Holmes, Thomas 1854/28

Holmes, William *Inspector in the Sydney Police* 1854/3

Holroyd, Arthur Tod, *Barrister and Member of the Legislative Council* 1846 (2)/5, 1851(2)/7, 1851(2)/21, 1852/5, 1852/9, 1852/16, 1852/21, 1852/28, 1852/33, 1852/50, 1852/51, 1852/62, 1852/64, 1853/2, 1853/6, 1853/8, 1853/10, 1853/14, 1853/15, 1853/19, 1853/22, 1853/25, 1853/49, 1853/68, 1853/69, 1854/2, 1854/4, 1854/10, 1854/14, 1854/20, 1854/22, 1854/28, 1854/29, 1854/36, 1854/54, 1854/70, 1854/79, 1854/84, 1855/1, 1855/2, 1855/8, 1855/10, 1855/19, 1855/21, 1855/35, 1855/40 , 1855/52, 1855/57, 1855/67, 1855/68, 1855/76

Holt J *Chief Consable at Newcastle* 1854/3

Holt, Thomas *former resident of Spain* 1843(2)/13, 1846 (1)/8, 1854/58, 1855/34

Homan, John Ramsden *master of the ship Palmyra* 1854/36

Hood, Thomas Hood 1844/7, 1852/21, 1855/16, 1855/28

Hope, George 1845/5

*Horse Racing* 1841/4M

Horsey, John Long Horsey, *Superintendent of the Hyde Park Barracks* 1844/10

Houison, James 1855/4

Hovell, William Hilton 1847/43, 1851(2)/21, 1852/25

How, Robert 1838/7

Howard, John Broadley 1837/2

Howe, William *jnr* 1844/7

Howe, William *snr* 1844/7

Howison, James *builder* 1855/52

Hughes, Henry 1851(2)/28, 1852/3, 1852/21, 1852/33, 1853/14

Hume, James *architect and surveyor* 1844/45, 1848/12, 1855/4

Hunter, Graham D, *Commissioner of Crown Lands* 1841/1

Hunter, *Captain John, Governor* 1839/41

Huntley, Arthur Reynolds 1853/72

Hurley, John 1846 (1)/8

*Hunter, River* 1854/14

*Hunter River New Steam Navigation Company* 1852/62

*Hunter River Railway Company* 1853/53

*Hunter's River Auction Company* 1842/14

*Hyde Park, Sydney* 1850/27

Hyndes, Thomas *City Councillor*, 1847/11, 1848/12, 1852/22, 1854/22

## I

Icely, Thomas 1838/7, 1838/10, 1839/1, 1839/8, 1842/2, 1843(2)/10, 1843(2)/22, 1843(2)/29, 1843(2)/38, 1845/5, 1845/7, 1845/13, 1847/7, 1846 (2)/6, 1847/4, 1847/43, 1848/3, 1848/4, 1850/18, 1851(2)/28, 1852/14, 1852/21, 1852/32, 1852/83, 1854/28, 1855/28, 1855/76

Iceeton, Thomas *solicitor* 1852/33

*Illawarra District* 1843(2)/58, 1844/42, 1851(2)/21  
*Immigration* 1832/14, 1835/1, 1837/2, 1838/21, 1839/9, 1840/17, 1841/1, 1841/25,  
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 Inches, John 1844/13  
*Independent Church* see *Congregationalists*  
*Indian Laborers* 1837/2, 1840/17, 1841/1, 1845/13, 1847/7, 1854/36  
*Influenza, disease of sheep* see *Sheep*  
 Innes, A C 1838/21  
 Innes, Joseph Long *Superintendent of the Sydney Police* 1841/4, 1842/2, 1843(2)/38,  
 1844/10, 1845/14, 1845/16, 1847/4, 1848/12  
 Innes, Melville *of Upper Minto* 1844/131  
*Insecurity of Life and Property* 1844/10  
*Insolvency* 1830/5, 1832/1, 1832/2, 1838/7, 1839/8, 1843(2)/65, 1844/11  
*Intemperance* 1854/8, 1855/13  
*Interest* see *Rates of Interest*  
*Intestate Estates* 1854/28, 1855/20  
 Irvine, Alexander, *of Glenlogie, Pyrene* 1845/5, 1849/25  
 Irving, David Maxwell 1845/10  
 Isaacs, Jacob *Reader of the Synagogue* 1853/2

## J

Jaques, Theodore James 1849/8  
 James, Henry Kerrison *Secretary and Deputy Registrar to the Bishop of Sydney* 1852/34,  
 1852/62, 1855/44  
*James Pattison, ship* 1840/17  
 Jamison, Sir John 1832/29, 1837/2, 1838/1, 1838/5, 1838/8, 1838/10, 1838/14,  
 1838/21, 1839/1, 1839/8, 1839/9, 1840/2, 1840/15, 1840/17, 1840/21,  
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 Jaques, William 1840/17, 1842/2  
 Jeffrey, Thomas 1844/15  
 Jeffreys, Arthur 1851(2)/11, 1851(2)/12, 1851(2)/21, 1851(2)/22, 1852/9, 1852/17,  
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 1853/72  
 Jeffries, Henry Charles, *of Kyneton, Mount Macedon*, 1849/25  
 Jenkins, Charles 1838/8  
 Jenkins, George 1844/7  
 Jenkins, Robert Pitt 1844/7  
 Johnson, Ephraim 1849/8  
 Jenner, *Captain* 1854/8  
 Johnson, John 1844/43  
 Johnson, Joseph Frederick 1843(2)/10, 1845/7, 1845/13  
 Johnson, Samuel Charles *builder of the second Gabo Island lighthouse* 1854/22  
 Johnston, A 1845/5  
 Johnston, Robert 1844/7  
 Johnstone, Edward 1839/8  
 Jones, David *merchant* 1844/73

Jones, Richard 1829/1, 1829/5, 1829/8, 1829/10, 1830/5, 1830/10, 1830/11, 1830/22, 1831/1, 1832/1, 1832/2, 1832/10, 1832/14, 1832/29, 1832/32, 1832/35, 1832/39, 1832/43, 1832/54, 1832/55, 1833/12, 1833/19, 1833/25, 1833/35, 1834/4, 1834/12, 1834/24, 1834/32, 1834/33, 1835/1, 1835/2, 1835/18, 1835/31, 1837/9, 1837/15, 1837/26, 1838/7, 1838/10, 1838/14, 1839/1, 1839/8, 1839/41, 1840/2, 1840/15, 1840/19, 1840/21, 1840/30, 1841/1, 1841/2, 1841/3, 1841/4, 1841/10, 1841/12, 1841/16, 1841/25, 1842/1, 1842/2, 1842/8, 1842/14, 1842/23, 1842/25, 1842/30, 1843(2)/38, 1851(2)/12, 1852/16, 1852/33

Johnson, Robert *solicitor* 1845/17, 1849/38

Josephson, Joshua Frey *Member of Corporation of Sydney and former Mayor* 1849/4  
*Judicial Establishment* 1844/53, 1844/56, 1845/17  
*Juries* 1829/12, 1831/1  
*Justice* see *Administration of Justice*  
*Justices of the Peace* 1830/22

## K

Kater, Henry 1847/4

Keck, Henry, *Governor of the Darlinghurst (Sydney) Gaol* 1844/10, 1847/4

Kellet, William *cooper* 1854/8

Kemble, Francis 1840/17, 1843(2)/13, 1844/7

Kemp, Charles 1844/17, 1854/10

Kemp, William *Foreman of Works in the Colonial Architect's Department* 1844/7, 1855/31

Kennerley, Alfred 1846 (1)/8  
*Kent's Group of Islands* 1842/25, 1845/22

Kenworthy, James 1838/7

Kerr, Gother *Assistant Civil Engineer at Cockatoo Island Dry Dock* 1852/20

Kerr, Thomas 1846 (1)/8

Kerr, W H 1843(2)/65  
*Kiama Steam Navigation Company* 1853/32

Kidd, James *Overseer of the Botanic Gardens* 1855/24

Kinchela, John, *Attorney General* 1831/1, 1832/1, 1832/2, 1832/10, 1832/43, 1832/55, 1833/19, 1833/35, 1834/4, 1834/12, 1835/1, 1835/31, 1838/1

King, George *with the Alliance Fire Insurance Company of London* 1854/79

King, Revd George, *formerly of Swan River, Western Australia* 1849/25

King, John C. *Town Clerk of Melbourne* 1847/4, 1847/43

King, Philip Gidley 1844/7

King, Phillip Parker, *Captain R N.*, 1839/1, 1839/8, 1839/9, 1839/38, 1841/1, 1841/4, 1844/7, 1845/5, 1847/11, 1847/18, 1848/4, 1850/2, 1850/7, 1850/9, 1850/18, 1850/24, 1850/25, 1851(1)/2, 1851(2)/7, 1852/1, 1852/2, 1852/5, 1852/8, 1852/9, 1852/20, 1852/29, 1852/32, 1852/33, 1852/50, 1852/65, 1853/3, 1853/8, 1853/14, 1853/23, 1853/30, 1853/32, 1853/53, 1853/59, 1853/61, 1853/63, 1853/69, 1854/8, 1854/2, 1854/3, 1854/8, 1854/14, 1854/18, 1854/19, 1854/20, 1854/22, 1854/28, 1854/44, 1854/46, 1854/50, 1854/65, 1854/82, 1855/2, 1855/3, 1855/4, 1855/9, 1855/13, 1855/15, 1855/20, 1855/24, 1855/34, 1855/58, 1855/76, 1855/90, 1855/98

King, William Essington *Gold Commissioner for the Southern District* 1852/50  
*King Island* 1842/25, 1845/22

Kinghorne, Alexander 1837/9

Kinnear, George 1838/7  
Kirchner, William *Consul for Prussia and Hamburg* 1852/3  
Knapp, Edward James H *surveyor* 1849/8  
Knox, Edward *Manager of the Commercial Banking Company and Chairman of the New South Wales Marine Assurance Company* 1844/73, 1849/10, 1849/48, 1849/10, 1850/11, 1851(2)/11, 1851(2)/21, 1854/10

## **L**

*Labourers* see also *Indian Labourers, South Sea Island Labourers*  
*Lachlan, District* 1845/22  
Labatt, Hugh R *surveyor* 186 (1)/8  
*Labourers* 1845/13  
Laidley, James 1832/39  
Lakin, Robert *Steward to the Lunatic Asylum at Tarban Creek* 1855/31  
*Lake Macquarie* 1838/23  
Lamb, John *Commander R.N.* 1837/15, 1838/7, 1841/25, 1843(2)/13, 1845/9, 1845/14, 1845/17, 1845/22, 1845/31, 1846 (2)/5, 1846 (2)/6, 1846 (2)/9, 1846 (2)/13, 1847/7, 1847/18, 1847/43, 1847/60, 1847/64, 1848/3, 1848/4, 1848/12, 1849/4, 1849/8, 1849/10, 1849/15, 1849/25, 1849/33, 1849/48, 1850/7, 1850/11, 1850/25, 1850/30, 1851(2)/11, 1851(2)/21, 1851(2)/22, 1852/6, 1853/8, 1852/20, 1852/22, 1852/32, 1852/62, 1854/21  
Lambeth, Richard *architect* 1855/31  
Lambie, John, *Commissioner of Crown Lands* 1839/1, 1845/5, 1845/10  
*Land* see *Crown Lands, Land Titles*  
*Land and Emigration Board* see *Immigration*  
*Land-Boards* see *Depression, Financial*  
*Land Reserves for Public Recreation* 1853/10, 1854/4  
*Land Titles* 1852/11  
Lane, Henry *Chief Clerk in the Auditor General's Department* 1855/31  
Lane, Timothy *Superintendent of the Hyde Park Barracks* 1844/10  
Lang, Gideon S *member of the Volunteer Rifle Corps, later of the Murrumbidgee District* 1855/28 1852/50, 1855/9  
Lang, *Revd Dr* John Dunmore 1832/55, 1839/41, 1841/2, 1843(2)/7, 1843(2)/10, 1843(2)/13, 1843(2)/29, 1843(2)/31, 1843(2)/35, 1843(2)/40, 1843(2)/58, 1843(2)/60, 1844/13, 1844/17, 1844/35, 1844/42, 1844/53, 1844/56, 1844/63, 1845/7, 1845/9, 1845/10, 1845/13, 1845/14, 1845/27, 1847/8, 1849/64, 1854/8, 1854/35, 1855/16  
Langley, Charles Edmund *surveyor* 1850/18  
La Trobe, Charles Joseph *Superintendent at Port Phillip* 1845/27  
Lauga, Burman, *Controller of Customs* 1832/32, 1832/35, 1832/39, 1832/43, 1832/54, 1832/55, 1833/25, 1833/26, 1833/35, 1834/4  
Lawrence, James 1838/21  
*Laws* 1828/1  
Lawson, Alexander Robert *of Burnett, Moreton Bay* 1855/28  
Lawson, William 1837/2, 1841/1, 1843(2)/58, 1844/17, 1844/53, 1844/56, 1845/10, 1845/22  
Layton, John *Master of the Asylum for Destitute Children* 1854/3  
Leahy, John Thomas 1837/2  
Learmonth, John 1845/5

Learmonth, Thomas, *of Bunnibyong*, 1849/25  
 Leathes, Alfred Stanger 1854/79  
 Leckey, James, *Keeper of the Domain* 1844/10  
*Legal Profession* see *Barristers, Attornies*  
*Legislative Council* see also *Rules and Orders for the Legislative Council*.  
*Legislative Council* 1827/8  
*Legislative Council Library* 1840/47, 1843(2)/10, 1845/6, 1851(1)/4 [*Library Committee*  
 usually appointed on the first sitting day of the session. The names of individual  
 members are indexed]  
 Leichhardt, Ludwig 1843(2)/35  
 Lennon, John G *Clerk in the Office of the Colonial Treasurer* 1855/58  
 Lennox, David *Bridge builder* 1845/27, 1855/4, 1855/52  
 Leslie, George Farquhar, *of the Darling Downs*, 1847/43, 1851(2)/28, 1854/28  
 Lethbridge, Robert Copland 1839/8, 1844/7, 1847/4, 1851(2)/7  
 Levinge, Henry 1854/28  
 Lewis, Mortimer William, *Colonial Architect* 1839/8, 1840/2, 1841/2, 1841/25,  
 1843(2)/10, 1844/10, 1844/15; 1844/42, 1844/45, 1847/64, 1849/33  
 Lewis, Mortimer William *jnr*, *Clerk of Works to the Northern District* 1849/26  
 Lewis, Thomas H *of the Surveyor General's Department* 1854/29  
*Licences* 1830/10, 1830/11, 1827/8, 1828/1, 1830/11, 1838/49, 1844/7  
 Liddell, Daniel 1854/28  
*Lien on Wool Act* 1845/6  
*Lighthouses* 1841/4, 1842/2, 1845/22, 1849/33, 1852/8, 1854/14, 1854/22  
 Lloyd, George Alfred *President of the Sydney Gold Escort Company* 1853/19, 1853/61  
 Lindesay, Patrick, *Colonel Commanding the Forces and sometime Acting Governor* 1827/8,  
 1828/1, 1830/11, 1832/55  
 Lipscomb, William *chemist and druggist* 1849/38  
 Lithgow, William, *Auditor General* 1829/8, 1830/10, 1830/11, 1830/16, 1830/22,  
 1832/29, 1832/55, 1834/4, 1834/12, 1835/1, 1835/9, 1835/18, 1835/31,  
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 Livesay, George Nahaniel 1848/4  
 Livingstone, Alexander, *Harbour Master at Newcastle* 1849/26, 1854/14  
 Loader, George 1832/29  
 Lockhart, Charles Gsergeant-at-Armseorge N, *of Tallundoon, Little Hume River*, 1849/25  
 Lockyer, Edmund *magistrate and Sergeant-At-Arms to the Legislative Council* 1844/7  
 Lodge, Francis *shipmaster of Newcastle* 1854/14  
*Lodging Houses* 1854/22  
 Lord, Edward *City Treasurer* 1849/4, 1852/22  
 Lord, Francis 1843(2)/29, 1844/15, 1844/17, 1844/43, 1844/49, 1844/53, 1844/59,  
 1845/4, 1845/7, 1845/10, 1845/14, 1845/21, 1846 (1)/8, 1847/7, 1847/8,  
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 Lord, John 1838/7, 1841/1  
*Lord's Day Observance* 1841/4  
*Lotteries* 1843/73  
 Lowater, Richard 1843(2)/10  
 Lowe, Charles *solicitor* 1852/62, 1853/69, 1854/28, 1854/82, 1855/68

Lowe, Robert, *barrister, later Viscount Sherbrooke* 1843(2)/65, 1844/7, 1844/10, 1844/11, 1844/17, 1844/35, 1844/39, 1844/45, 1844/73, 1845/6, 1845/9, 1845/10, 1845/13, 1845/14, 1845/17, 1845/21, 1845/22, 1846 (2)/5, 1846(2)/9, 1846 (2)/13, 1846 (2)/16, 1847/7, 1847/14, 1847/43, 1848/1, 1848/2. 1848/12, 1849/3, 1849/4, 1849/8, 1849/11, 1849/12, 1849/14, 1849/30, 1849/45, 1849/64, 1850/4

Lowe, William M 1844/7

*Lower Hawkesbury* see *Hawkesbury*

Lucas, John *innkeeper, of Camperdown* 1855/44

*Lunatic Asylum at Tarban Creek* 1855/31

Lynch, Revd Dean, *Roman Catholic Priest* 1852/34

Lyons, Charles Bethel *solicitor* 1844/49, 1853/14

Lyons, Samuel *auctioneer* 1843(2)/13, 1843(2)/65, 1844/73, 1845/14, 1847/43, 1849/10

## M

M'Cabe, Francis Peter surveyor 1855/31

Macalister, Lachlan 1838/21, 1842/2. 1844/7, 1844/13, 1844/73, 1847/4

Macalister, Matthew 1844/7, 1846 (10/8)

Macarthur, Edward *Deputy Adjutant General* 1844/8

Macarthur, Francis, *of Goulburn,* 1844/7, 1845/5

Macarthur, Hannibal Hawkins 1830/5, 1830/10, 1830/11, 1830/16, 1830/22, 1831/1, 1832/29, 1832/32, 1832/39, 1832/43, 1833/19, 1833/25, 1833/35, 1834/4, 1834/9, 1834/31, 1834/33, 1835/1, 1835/2, 1835/31, 1837/16, 1838/1, 1838/7, 1838/10, 1838/14, 1838/21, 1838/23, 1839/1, 1839/8, 1839/9, 1839/38, 1840/15, 1840/17, 1840/19, 1840/21, 1840/30, 1841/1, 1841/16, 1841/25, 1842/1, 1842/2, 1842/30, 1843(2)/35, 1843(2)/69, 1844/63, 1845/7, 1845/14, 1847/4, 1847/11

Macarthur, James 1840/17, 1840/19, 1840/21, 1840/47, 1841/1, 1841/2, 1841/3, 1841/4, 1841/10, 1841/12, 1841/25, 1842/1, 1842/2, 1842/8, 1842/14, 1843(2)/10, 1844/7, 1844/73, 1847/4, 1847/7, 1849/3, 1849/4, 1849/10, 1849/11, 1849/12, 1849/14, 1849/25, 1849/45, 1849/64, 1850/2, 1850/9, 1850/11, 1850/18, 1850/24, 1850/30, 1851(1)/2, 1851(1)/4, 1851(2)/4, 1852/1, 1852/2, 1852/3, 1852/6, 1852/32, 1852/50, 1852/51, 1852/62, 1853/2, 1853/6, 1853/8, 1853/9, 1853/10, 1853/15, 1853/32, 1854/1, 1854/2, 1854/4, 1854/8, 1854/10, 1854/21, 1854/22, 1854/27, 1854/28, 1854/32, 1854/36, 1854/44, 1854/70, 1854/82, 1855/2, 1855/3, 1855/8, 1855/12, 1855/15, 1855/21, 1855/31, 1855/34

Macarthur, John 1829/11, 1829/12, 1830/16, 1832/14

Macarthur, John Francis *landed proprietor and sheep owner* 1849/45

Macarthur, Peter 1844/7

Macarthur, William 1838/21, 1843(2)/69, 1844/17, 1845/5, 1846 (1)/8, 1849/11, 1849/15, 1849/25, 1849/41, 1849/48, 1850/3, 1850/18, 1851(2)/7, 1851(2)/28, 1852/3, 1852/5, 1852/17, 1852/20, 1852/21, 1852/42, 1853/19, 1853/63, 1854/8, 1854/10, 1854/18, 1854/28

McBeath, David *surveyor and civil engineer* 1850/18, 1851(2)/7, 1854/28

Macdermott, Henry, *Alderman* 1842/8, 1844/13, 1844/17, 1845/7

Macdonald, George James 1845/10

Macdonald, John 1832/29, 1846 (1)/8

Macedowell, William *carpenter* 1855/31

Mace, Henry, *chemist and druggist* 1849/38

M'Eachern, James 1852/50  
 M'Enroe, Edward *importer of flour, oil* 1855/12  
 M'Enroe, Revd John *Roman Catholic Archdeacon* 1844/35, 1845/9, 1852/34, 1854/8,  
 1854/27, 1854/28  
 M'Ewan, Donald *physician and surgeon* 1849/38  
 McGarvie, Revd Dr John, *Presbyterian Minister*, 1839/41, 1845/9, 1847/60, 1852/34  
 Macintyre, Donald 1849/3, 1850/36  
 Macintyre, James Johnstone 1838/7  
 Macintyre, John Fitzgerald Leslie  
 M'Crae, A M, *of Arthurs Seat*, 1849/25  
 Mackay, George *of Warouly, Ovens River*, 1849/25  
 Mackay, John 1837/2, 1838/7, 1841/1, 1843(2)/35  
 Mackellar, Duncan 1837/2  
 M'Kellar, Frederick *physician, surgeon, apothecary, accoucher* 1849/38, 1855/44  
 M'Kennedy, John 1844/17  
 Mackenzie, Revd David 1839/1, 1841/2  
 Mackenzie, Evan 1842/2, 1844/7  
 Mackenzie, F 1841/1  
 Mackenzie, John Piper 1847/11  
 Mackenzie, John Reid 1853/68  
 Mackenzie, William Henry 1841/25  
 M'Kinlay, E M 1845/10  
 McKinnon, Lachlan 1849/8, 1849/11, 1849/14  
 M'Kirby, John *master of the immigrant ship Mary Bannatyne* 1849/14  
 Macknight, C H *of Dunmore*, 1849/25  
 M'Laren, John Cunningham, *Inspector of the Union Bank of Australia*, 1841/25, 1843(2)/13,  
 1847/14  
 Maclean, *Captain, Principal Superintendent of Convicts* 1844/10  
 Maclean, J D *of the Northern Districts* 1855/28  
 Macleay, or M'Leay, Alexander, *Colonial Secretary, later Speaker of the Legislative Council*  
 1829/1, 1829/5, 1829/8, 1829/10, 1829/11, 1829/12, 1830/5, 1830/10,  
 1830/11, 1830/16, 1830/22, 1831/1, 1832/35, 1832/58, 1833/12, 1834/32,  
 1834/33, 1835/1, 1835/18, 1844/63, 1845/7  
 M'Leay, George 1842/2, 1843(2)/10, 1844/7, 1845/5, 1852/17, 1852/21, 1852/29,  
 1852/32, 1853/3, 1853/6, 1853/8, 1853/9, 1853/63, 1854/3, 1854/10, 1854/22,  
 1854/27, 1854/28, 1854/32, 1855/8, 1855/9, 1855/13, 1855/15, 1855/21,  
 1855/24, 1855/28, 1855/31, 1855/34, 1855/52, 1855/67. 1855/71  
 Macleay, William *sheep farmer on the Murrumbidgee* 1854/28, 1855/1, 1855/3, 1855/24  
 M'Leod, Hugh Lawrence, *of Benyeo*, 1849/25  
 M'Leod, John Norman, *of Tabarra, Grange*, 1845/5, 1849/25  
 M'Leod, Joseph 1848(2)/58  
 M'Lerie, John *Superintendent of Police* 1852/9, 1852/20, 1853/14, 1854/3, 1854/8,  
 1854/22, 1854/79  
 Maclaughlin, Isabella *former patient at the Lunatic Asylum at Tarban Creek* 1855/31  
 McNish, James *Acting Medical Superintendent at the Lunatic Asylum at Tarban Creek* 1855/31  
 Macpherson, Allan 1844/7  
 Macpherson, Donald 1852/3  
 Macpherson, William *Clerk to the Legislative Council* 1849/8, 1849/25  
 Macquarie, Lachlan, *Governor* 1825/1  
*Macquarie River* 1844/42  
 Macqueen, Thomas Potter 1837/2839/41

Macquoid, Thomas, Sheriff of New South Wales 1838/7, 1839/8  
 Macquoid, Thomas Hyacinth, *son of the above* 1846 (2)/13, 1847/28  
 M'Roberts, Edward 1844/17  
 M'Shane, Edward *carpenter at Gabo Island* 1849/33  
*Magistrates* 1833/16  
 Mahroot, *an Aboriginal Native* 1845/10  
*Mail Services and Mail Steamers* see *Steam Ships, and Post Office and Postal Services*  
 Mais, Henry *Assistant Engineer to the City Commissioners* 1855/4  
*Maitland* 1838/14, 1838/49, 1844/13, 1844/42  
*Maitland Hospital* 1846 (2)/16  
 Malcolm, James 1845/10, 1845/13  
 Maloney, Henry *former patient at the Lunatic Asylum at Tarban Creek* 1855/31  
 Maloney, Patrick 1854/14  
 Mallard, Charles 1843(2)/38  
*Maneroo, District* 1845/10  
 Manifold, Thomas, *of Grasmere, near Port Fairy*, 1849/25  
*Mange, disease of sheep* see *Sheep*  
 Mann, Gother Kerr *assistant civil engineer at Cockatoo Island dry dock, later Commandant of the Volunteer Artillery* 1847/18, 1849/15, 1850/18, 1855/9  
 Mann, John Frederic *licensed surveyor* 1854/32  
 Manning, Edye 1838/7, 1855/31  
 Manning, James 1845/5  
 Manning, John Edye 1837/2, 1838/7, 1838/21, 1841/2, 1841/12, 1845/22  
 Manning, Sir William Montagu, *Solicitor General* 1851(2)/ 22, 1852/1, 1852/9, 1852/11, 1852/28, 1852/33, 1852/34, 1852/42, 1852/50, 1852/51, 1852/62, 1853/2, 1853/6, 1853/19, 1853/25, 1853/53, 1853/59, 1853/69, 1854/1, 1854/20, 1854/21, 1854/22, 1854/28, 1854/29, 1854/36, 1854/50, 1854/54, 1854/73, 1854/79, 1854/82, 1855/1, 1855/20, 1855/19, 1855/21, 1855/31, 1855/71, 1855/76  
 Mansfield, Revd Ralph *Methodist Missionary, Secretary to the Gas Company* 1838/23, 1844/17, 1845/16, 1849/4  
 Manson, Jane *Matron of the Lunatic Asylum at Tarban Creek* 1855/31  
*Marchioness of Bute, ship* 1842/2  
 Margetts, Ann *former patient at the Lunatic Asylum at Tarban Creek* 1855/31  
*Mariners Church* see *Sydney Bethel Union*  
*Markets* 1841/4  
*Marriages* 1834/4, 1843(2)/31, 1844/35, 1847/60, 1852/34, 1853/2, 1853/14  
 Marsh, Matthew Henry 1842/32, 1845/5, 1847/4, 1852/3, 1852/17, 1852/33, 1852/42, 1854/8, 1854/18, 1854/28, 1854/36  
 Marshall, John 1835/1  
 Martin, James *Solicitor, Member of the Legislative Council* 1845/7, 1846 (2)/5, 1847/7, 1849/8, 1849/15, 1849/17, 1849/18, 1849/19, 1849/20, 1849/31, 1849/64, 1850/3, 1850/27, 1851(1)/4, 1851(2)/7, 1851(2)/21, 1851(2)/28, 1852/2, 1852/6, 1852/9, 1852/11, 1852/16, 1852/22, 1852/29, 1852/32, 1852/34, 1852/44, 1852/51, 1852/62, 1852/64, 1853/2, 1853/3, 1853/6, 1853/9, 1853/10, 1853/14, 1853/15, 1853/25, 1853/53, 1853/69, 1854/1, 1854/2, 1854/3, 1854/4, 1854/10, 1854/14, 1854/19, 1854/20, 1854/21, 1854/22, 1854/28, 1854/29, 1854/32, 1854/41, 1854/50, 1854/65, 1854/70, 1854/82, 1855/1, 1855/2, 1855/3, 1855/4, 1855/8, 1855/9, 1855/10, 1855/20, 1855/28, 1855/34, , 1855/52, 1855/57, 1855/67, 1855/98  
 Martin, John 1849/8  
*Mary Bannatyne, ship* 1849/14

Mason, John 1843(2)/10  
 Massie, Hugh Hamon *Assistant Gold Commissioner at Braidwood* 1855/58  
 Massie, Robert George *Commissioner of Crown Lands* 1845/5, 1845/10, 1852/21  
*Masters and Servants Act* 1840/15, 1845/7, 1850/3  
*Mathesis, ship* 1842/2  
 Matthews, John Alexander 1855/31  
 Maughan, John 1844/7  
*Mauritius* 1835/18  
 Maxey, Edwin *schoolmaster, formerly of the Colonial Architect's Department* 1855/31  
 Maxwell, James 1844  
 May, Thomas *slaughter house proprietor and City Councillor* 1848/12  
 Mayne, Edward 1839/8, 1844/7  
 Mayne, William Colburn *Inspector General of Police* 1844/7, 1852/9, 1852/17, 1852/20,  
 1852/51, 1852/65, 1854/8, 1854/28, 1854/70, 1854/82, 1855/9, 1855/12,  
 1855/13, 1855/2, 1855/31, 1855/44  
 Mayo, J R 1837/2  
*Mechanics* see also *Sydney Mechanic's School of Arts*  
*Mechanics* 1845/1  
*Medical Practice* 1838/5, 1839/8, 1849/38, 1855/40  
*Medical Witnesses* 1839/8  
 Mehan, James 1853/14  
 Mehan, Patrick 1853/14  
 Mein, James 1839/41  
*Melbourne* 1841/25, 1844/13, 1844/15, 1845/27  
*Melbourne Fire and Marine Assurance Company* 1840/21  
*Melbourne, Sydney and Adelaide Chartered Bank* 1853/68  
*Merchant Seamen* 1832/10, 1852/9  
 Mercer, George D 1845/5, 1851(1)/4  
 Merewether, Francis Lewis Shaw, *Agent for Immigration, later Auditor General, later Colonial  
 Treasurer* 1841/25, 1842/2, 1843(2)/10, 1843(2)/58; 1844/42, 1845/13, 1847/7,  
 1849/14, 1852/3, 1852/20, 1852/28, 1852/29, 1852/32, 1852/65, 1852/83,  
 1853/3, 1853/6, 1853/10, 1853/14, 1854/3, 1854/4, 1854/10, 1854/20,  
 1854/45, 1854/70, 1855/1, 1855/3, 1855/4, 1855/8, 1855/13, 1855/15,  
 1855/16, 1855/27, 1855/28, 1855/67, 1855/70  
*Merton* 1844/13c  
 Metcalfe, John Bell 1855/68  
 Metcalfe, Michael *Customs House agent, Churchwarden and Trustee of Christ church* 1844/15,  
 1844/43, 1852/62, 1853/53, 1853/69, 1854/41, 1855/68  
*Methodists* see *Wesleyan Methodists*  
 Michie, Archibald, *Barrister*, 1846 (2)/5, 1847/7, 1849/4, 1849/8  
*Middle District* see *New South Wales, Colony of*  
 Miles, William Augustus *Chief Commissioner of Police* 1842/2, 1843(2)/10, 1843(2)/38,  
 1844/10, 1845/9, 1845/13, 1845/16, 1847/4  
 Milford, Samuel Frederick *Master in Equity of the Supreme Court, Chief Commissioner of  
 Insolvent Estates, and Curator of Intestate Estates* 1846 (2)/5, 1849/30, 1854/28,  
 1855/70  
*Military Barracks, Sydney* 1840/2, 1847/64  
*Military Chest* 1832/54, 1833/26, 1834/24  
*Military Forces* 1850/1  
 Miller, George 1840/17, 1841/3, 1853/69, 1854/10  
 Miller, William 1842/2, 1843(2)/13

Minithorpe, William 1841/12  
*Minmi and Hexham Railway Company* 1854/46  
*Mint* see *Gold*  
 Mitchell, James 1843(2)/13, 1847/11, 1850/36  
 Mitchell, James Sutherland 1853/53, 1854/79, 1854/84, 1855/12, 1855/35, 1855/40, 1855/68  
 Mitchell, Sir Thomas Livingston, *Surveyor General and sometime elected Member of the Legislative Council* 1832/43, 1833/25, 1841/1, 1841/25, 1842/2, 1843(2)/35, 1843(2)/69, 1844/7, 1844/10, 1844/13, 1844/17, 1844/42, 1844/73, 1845/9, 1850/18, 1851(2)/21, 1852/5, 1854/4, 1854/32, 1854/65, 1854/82  
 Mitchell, Roderick 1844/7  
 Mitchell, W H F *of Mount Macedon*, 1844/7, 1849/25  
 Moffitt, William *member of the City Council* 1852/22  
 Moggridge, Henry *Surveyor of Roads* 1854/10  
 Moir, William *Superintendent, City Council Public Works* 1844/42  
 Molesworth, William Francis 1854/79  
 Mollisson, Alexander F 1841/1, 1844/7, 1847/7  
 Mollison, James 1854/19  
 Mollison, William T *Member of the Legislative Council of Victoria* 1854/28  
 Molloy, Thomas 1845/14  
*Monetary Confusion* see *Depression, Financial*  
 Monies, W N 1839/8  
 Montefiore, J B 1834/4  
 Montfiore, Jacob Levi 1852/3  
 Moor, Henry 1849/48, 1850/4, 1850/9, 1850/11, 1850/36  
 Moor, James, *of Glenmore*, 1849/25  
 Moore, Alexander *pawnbroker and auctioneer* 1854/22  
 Moore, Charles *Director of the Botanic Garden* 1852/5, 1855/24  
 Moore, Henry 1843(2)/38. 1851(1)/4  
 Moore, Samuel 1844/7, 1844/1  
 Moore, William Henry 1852/44  
 Morehead, Robert Archibald Alison *manager of a Loan Company* 1844/73, 1851(2)/21. 1854/58  
 Morehead, William *Sergeant-major in the Volunteer Artillery Corps* 1855/9  
*Moreton Bay* 1841/25  
*Moreton Bay Immigration and Land Company* 1854/35, 1855/16  
 Morgan, William 1837/2  
 Moriarty, Edward *civil engineer* 1854/82, 1855/20  
 Moriarty, Merion *Port Master of the Colony of New South Wales* 1844/15, 1847/18, 1852/8, 1852/9, 1854/14, 1854/22, 1855/67  
 Moriarty, William 1839/8, 1841/4, 1848/4  
 Moring, John 1843(2)/65, 1854/28  
 Morris, Augustus 1852/3, 1852/17, 1852/21, 1852/29, 1852/34, 1852/44, 1852/51, 1852/59, 1852/62, 1852/64, 1853/2, 1853/3, 1853/6, 1853/8, 1853/10, 1853/53, 1853/59, 1853/61, 1853/68, 1853/69, 1854/1, 1854/3, 1854/10, 1854/14, 1854/18, 1854/21, 1854/22, 1854/28, 1854/35, 1854/50, 1854/54, 1854/84, 1854/90, 1855/3, 1855/8, 1855/10, 1855/57, 1855/15, 1855/57, 1855/67  
 Morris, John, *contractor for the Gabo Island lighthouse* 1849/33  
 Morris, John *Secretary to the Wentworth Gold Field Company and to the Bathurst Copper Mining Company* 1853/14, 1853/22

Morrisset, James Thomas 1845/10  
 Mort, Thomas Sutcliffe, *auctioneer and valuer*, 1845/14, 1847/43, 1849/10, 1854/10,  
 1855/57  
*Mort's Dock* see *Waterview Bay Dry Dock Company*  
 Morton, Joseph 1849/8  
*Moruya* 1854/32  
*Mounted Police* see also *Police*  
*Mounted Police* 1847/4  
 Muddle, Charles *a landing waiter in the Customs Department* 1854/41  
*Mudgee* 1844/7, 1844/13, 1845/10, 1845/22  
 Mullhall, William *Commander of the steamship Collaroy* 1854/14  
 Mullen, John Wilson *Clerk at the Water Police Office* 1852/9  
 Mullens, Edward 1843(2)/58  
 Murchison, John, *of King Pasrrot Creek, Goulburn River*, 1849/25  
 Murphy, Francis 1844/7, 1845/5  
 Murphy, Jeremiah 1844/43  
 Murray, Sir George, *Secretary of State for War and the Colonies* 1829/1  
 Murray, Hugh, *of Lake Colac*, 1849/25  
 Murray, James Fitzgerald 1845/10, 1846 (1)/8  
 Murray, Terence Aubrey 1838/10, 1839/1, 1839/8, 1841/1, 1843(2)/3, 1843(2)/7,  
 1843(2)/10, 184/13, 1845/5, 1845/7, 1845/13, 1845/14, 1846 (1)/8, 1846 (2)/5,  
 1846 (2)/13, 1847/4, 1847/7, 1847/9, 1847/11, 1847/14, 1848/3, 1849/8,  
 1849/10, 1849/11, 1849/15, 1849/33, 1850/3, 1850/9, 1850/11, 1850/18,  
 1851(1)/1, 1851(1)/2, 1851(1)/4, 1852/2, 1852/6, 1852/16, 1852/20, 1852/25,  
 1852/32, 1852/59, 1853/2, 1853/6, 1853/63, 1854/2, 1854/8, 1854/10,  
 1854/14, 1854/22, 1854/27, 1854/28, 1854/32, 1854/36, 1855/8, 1855/12,  
 1855/13, 1855/31, 1855/58  
*Murray, District (Port Phillip)* 1845/10  
*Murrumbidgee, District* 1845/10, 1854/28  
*Mutual Fire Insurance Association* 1841/16  
 Mylrea, Frederick Garland *clerk to the Government Resident at Port Curtin* 1855/31

## N

*Narellan* 1843(2)/69  
 Nash, David *Warehouse Keeper of the Bonded Stores* 1854/41  
*Native Dog* 1845/5, 1852/17  
 Nathan, Charles *medical doctor and surgeon* 1848/12  
*Nautical School* 1854/19  
 Naylor, Harry *Captain of the ship* 1852/9  
 Naylor, Thomas Beagley 1847/4 *Clerk in the Chief Gold Commissioner's Office* 1852/50  
 Neale, John *carcass butcher and member of the City Council* 1848/12  
*Nepean, River* 1845/22, 1850/18, 1851(2)/7, 1851(2)/21, 1852/25, 1854/28  
 Neuhass, Otto *merchant* 1852/3  
*New Constitution* see *Constitution*  
*New England District* 1845/10  
*New South Wales, Colony of* 1851(1)/1  
*New South Wales Act* 1844/13, 1844/53  
*New South Wales Coal and Inter-colonial Steam Navigation Company* 1853/61  
*New South Wales Marine Assurance Company* 1851(2)/11

*New South Wales Savings Bank* see *Savings Bank of New South Wales*  
*New York Packet, ship* 1842/2  
*New Zealand* 1840/21, 1841/25, 1842/1,  
*Newcastle* 1832/58, 1838/14, 1842/25, 1845/10, 1847/11, 1849/26, 1850/36, 1852/5,  
 1852/8  
*Newcastle Coal and Copper Mining Company* 1853/72,  
 Newcombe, George William 1849/8  
 Newell, *Captain* John Edward *Assistant Engineer commanding The Stockade, Penrith* 1846(1)/8  
 Newton, James 1844/7  
 Nichols, George Robert *Solicitor and Member of the Legislative Council* 1841/12, 1845/7,  
 1847/4, 1849/11, 1849/26, 1849/30, 1849/38, 1849/45, 1849/64, 1850/2,  
 1850/3, 1850/4, 1850/7, 1850/11, 1850/18/ 1850/24, 1850/30. 1850/36,  
 1851(1)/1, 1851(1)/2, 1851(2)/4, 1851(2)/11, 1851(2)/22, 1852/2, 1852/8,  
 1852/9, 1852/11, 1852/14, 1852/17, 1852/22, 1852/51, 1852/59, 1852/62,  
 1852/64, 1853/2, 1853/8, 1853/9, 1853/10, 1853/14, 1853/15, 1853/22,  
 1853/25, 1853/26, 1853/53, 1853/61, 1853/63, 1853/72, 1854/1, 1854/2,  
 1854/4, 1854/8, 1854/14, 1854/19, 1854/22, 1854/28, 1854/29, 1854/46,  
 1854/73, 1854/82, 1854/90, 1855/1, 1855/2, 1855/3, 1855/4, 1855/8, 1855/10,  
 1855/12, 1855/13, 1855/15, 1855/20, 1855/21, 1855/24, 1855/27,  
 1855/35, 1855/58, 1855/67, 1855/70, 1855/71, 1855/98  
 Nichols, Isaac David *former Inspector of Nuisances for the City of Sydney* 1848/12  
 Nicholson, Angus *Chief Constable at Campbelltown* 1854/3  
 Nicholson, Charles *Dr, later Sir, sometime Speaker of the Legislative Council,* 1843(2)/3,  
 1843(2)/7, 1843(2)/10, 1843(2)/13, 1843(2)/22, 1843(2)/35, 1843(2)/40,  
 1843(2)/58, 1843(2)/65, 1844/5, 1844/7, 1844/10, 1844/11, 1844/17, 1844/39,  
 1844/42, 1844/45, 1844/53, 1844/59, 1844/63, 1844/73, 1845/5, 1845/7,  
 1845/10, 1845/13, 1845/14, 1845/16, 1845/35, 1845/21, 1845/22, 1845/27,  
 1845/31, 1846 (1)/1, 1847/4, 1848/2, 1849/4, 1849/10, 1849/11, 1849/12,  
 1849/14, 1849/45, 1849/64, 1850/2, 1850/18, 1850/27, 1851(1)/1, 1851(1)/2,  
 1851(2)/4, 1852/2, 1852/42, 1852/62, 1853/2, 1854/2, 1854/28, 1855/2,  
 1855/44  
 Nicholson, *Major* Jaffray, *Commandant of the Mounted Police* 1847/4  
 Nicholson, John, *of Bathurst* 1844/7  
 Nicholson, John, *of Sutton Forest* 1831/21, 1844/7  
 Nickle, *Sir* Robert *Commander of the Forces* 1854/8  
 Nightingale, Charles 1842/8  
*Nineteen Counties* 1839/1  
 North, Samuel *Police Magistrate* 1839/8, 1845/7  
*North Shore Steam Company* 1854/82  
*Northumberland, County* 1844/13  
 Norton, James *solicitor and Chairman of the Bank of Australia* 1834/4, 1838/7, 1841/2, ,  
 1845/17 1841/12, 1844/73, 1846 (2)/5, 1847/7, 1849/10, 1851(2)/7, 1854/28  
 Nunn, J W, *Major, Commandant of Mounted Police* 1839/8, 1844/7  
 Nutt, Thomas Henry 1849/8

## O

Oakes, George, *carcass butcher of Parramatta* 1847/4, 1848/12, 1851(2)/22, 1853/23,  
 1855/21  
 Oakes, H, *Commissioner of Crown Lands* 1841/1

Oates, Mary 1853/14  
 O'Brien, Bartholomew *Medical Adviser to the Government* 1853/14  
 O'Brien, Cornelius 1844/7, 1844/13  
 O'Brien, Henry 1837/2, 1842/2, 1843(2)/10, 1845/5, 1845/7, 1852/21  
 O'Connell, Sir Maurice Charles, *Commander of the Forces* 1840/30, 1844/56  
 O'Connell, Maurice Charles *son of Sir Maurice Charles O'Connell* 1844/7, 1844/7,  
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*Ophir Copper Mining Company* 1853/49  
 Ormsby, Charles *Civil Superintendent of Cockatoo Island* 1852/20  
*Ordinance Property* 1840/2  
 Osborne, Alick *former Naval Surgeon* 1837/2, 1844/7, 1847/4, 1851(2)/21, 1851(2)/22,  
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 Osborne, Henry 1852/5, 1852/17, 1852/25, 1853/14, 1853/23, 1853/32, 1854/32,  
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 Osborne, John 1844/7  
 Ottley, Ashton Boyce *Manager of the Australian Joint Stock Bank* 1853/19  
 Owen, Robert *solicitor* 1841/12, 1843(2)/40, 1845/17

## P

*Paddy's River* 1844/42  
 Palmer, James Frederick, *of Yarra Yarra River*, 1844/7, 1849/25  
 Palmer, James Hugh 1848/12, 1853/32  
 Palmer, William Hall, *of Kirk Connel near Bathurst* 1839/8, 1847/43, 1850/18  
 Panton, John 1843(2)/523, 1843(2)/40, 1843(2)/58, 1843(2)/69, 1844/15, 1844/43,  
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 Parfitt, William *Commander of the P & O steam ship Formosa* 1852/20  
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 Parker, Edward *Assistant Protector of Aborigines* 1845/10  
 Parker, Henry Watson 1848/2, 1849/11, 1850/2, 1850/4, 1850/18, 1851(1)/1,  
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*Paterson* 1838/14  
 Paterson, James *Manager of the Australasian Steam Navigation Company* 1847/11, 1852/33,  
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 Patten, Robert 1843(2)/10  
*Pawnbroking* 1854/22

Payne, Charles, *of Melbourne, captain of the steamer 'Rose'* 1844/7, 1849/25, 1852/33  
 Peacock, John Jenkins 1842/8  
 Pearce John *former patient at the Lunatic Asylum at Tarban Creek* 1855/31  
 Pearce, John *Police inspector* 1845/14  
 Pearce, Simeon Henry *Commissioner of Crown Lands for the County of Cumberland* 1852/5, 1855/44  
 Pell, Morris Birkbeck *Professor of Mathematics at the University of Sydney* 1854/28  
*Peninsular and Oriental Steam Navigation Company* 1850/25, 1852/20  
*Pennant Hills Tramroad* 1854/90  
 Penny, C M *wholesale and retail and dispensing druggist* 1849/38  
*Penrith* 1844/7, 1844/13, 1850/18, 1851(2)/7, 1854/28  
 Perry, John *of Penrith* 1850/18, 1854/28  
 Perry, Samuel Augustus *Deputy Surveyor General* 1844/7, 1846 /8, 1848/12  
 Peter, John *sheep farmer on the Murrumbidgee* 1841/1, 1854/28, 1855/28  
*Petersham* 1855/68  
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 Pettett, M 1845/5  
 Pettingil, Joseph 1854/8  
 Phelps, James Christy 1845/14  
 Phelps, James Henry 1839/8, 1841/1  
 Phelps, John Lecky *sheep farmer on the Murrumbidgee* 1854/28  
*Pheasants Nest (crossing point of Nepean River)* 1851(2)/21, 1852/25  
 Phillippus, Shadrach 1843(2)/35  
*Picton* 1843(2)/69, 1844/13  
 Piddington, William R *resident of Sydney and former member of the City Council* 1852/22  
 Pigeon, Nathaniel *Wesleyan missionary* 1854/8  
 Pillea, Arthur, *of Hillgay, Wannon River,* 1849/25  
*Pilotage* 835/18, 1844/15, 1850/7  
 Pinhey, William Townley *chemist and druggist* 1849/38  
 Pinnock, James Denham, *Agent for Immigration* 1838/21, 1839/9, 1840/17, 1841/1  
 Piper, Frederick 1853/2  
 Pite, Robert Mollyner 1844/73  
*Pitt Town* 1839/38  
 Pitts, Charles William *of Moreton Bay and the Darling Downs* 1855/28  
 Plunkett, John Hubert, *Attorney General* 1838/1, 1838/5, 1838/7, 1839/8, 1839/38, 1839/41, 1840/15, 1840/47, 1841/10, 1841/12, 1841/25, 1843(2)/31, 1843(2)/58, 1843(2)/65, 1843(2)/69, 1844/11, 1844/17, 1844/35, 1844/43, 1844/49, 1844/73, 1845/4, 1845/6, 1845/7, 1845/9, 1845/10, 1845/14, 1845/17, 1846 (2)/5, 1846 (2)/16, 1847/4, 1847/7, 1847/8, 1847/11, 1847/14, 1848/12, 1849/10, 1849/11, 1849/12, 1849/30, 1849/33, 1849/38, 1849/41, 1850/1, 1850/2, 1850/4, 1850/18, 1850/24, 1851(1)/1, 1851(1)/2, 1851(2)/4, 1851(2)/11, 1852/2, 1852/6, 1852/9, 1852/11, 1852/20, 1852/22, 1852/34, 1852/59, 1852/62, 1853/2, 1853/6, 1853/19, , 1853/25, 1853/32, 1853/49, 1853/53, 1853/61, 1853/72, 1854/2, 1854/8, 1854/14, 1854/18, 1854/19, 1854/22, 1854/27, 1854/28, 1854/35, 1854/36, 1854/41, 1854/45, 1854/90, 1855/2; 1855/8, 1855/12, 1855/13, 1855/15, 1855/19, 1855/20, 1855/21, 1855/40, 1855/67, 1855/7, 1855/98  
 Plunkett, William Edward 1855/70  
 Plunkett, *Captain* Patrick 1839/8, 1844/7 ( )  
 Polding, *Revd* John Bede, *Roman Catholic Archbishop* 1844/17, 1845/10  
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*Poole, William Thomas* 1855/4  
*Port Curtis* 1855/31  
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*Porter, George* 1838/7  
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*Powell, Mrs Lucy near Yass* 1855/28  
*Powell, Thomas John Inspector of Water Police* 1852/9  
*Powlett, Frederick Almond Commissioner of Crown Lands* 1845/10, 1849/25  
*Potter, George Thomas* 1844/7  
*Pratt, John Tidd* 1841/3, 1843(2)/22  
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*Price, Charles* 1849/8  
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*Pusey, George* 1853/49  
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## Q

*Quaife, Barzillai, Minister of the Synod of New South Wales* 1852/34  
*Quarantine* 1829/8, 1832/35, 1853/14  
*Quarter Sessions* 1845/4  
*Queanbeyan* 1845/10  
*Queen Victoria, ship* 1842/2

## R

*Rae, John Town Clerk of Sydney, later one of the Commissioners of the City of Sydney* 1841/1,  
 1848/12, 1849/4, 1849/8, 1852/22, 1854/22, 1854/65, 1855/20  
*Railways* 1848/3, 1849/10, 1850/36, 1853/53, 1854/10, 1854/20, 1854/46, 1854/90,  
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Rainey, George, *Clerk of the Hay and Corn Market* 1841/4  
 Ramsay, David *medical practitioner and Trustee of the Scots Church* 1843(2)/29, 1854/21  
 Randle, William *contractor for sewerage works* 1855/4  
 Rankin, Arthur 1845/7  
 Rankin, George 1844/7. 1845/10  
 Raphael, Joseph George *merchant and former Licensed Shipping Agent* 1852/9  
*Rates and Duties* 1830/16  
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 Radou, Gustave *Captain of the vessel Oceanie* 1852/3  
 Rae, John *brickmaker* 1855/4  
 Randle, William *contractor for the works of the Sydney Railway Company* 1853/15, 1854/10  
 Raymond, James *Post Master General* 1843(2)/40, 1848/4, 1849/48  
 Raymond, James jnr, *Accountant to the Post Office* 1849/48  
 Raymond, Samuel 1844/7  
*Raymond Terrace* 1845/10  
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 Redfern, William Lachlan Macquarie 1847/14  
*Redfern Estate* 1847/14  
*Regentville* 1845/22  
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 Reid, James 1854/28  
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 Reuss, Ferdinard *surveyor* 1855/57  
 Revell, John 1837/2  
 Richardson, John 1851(2)/11, 1853/2, 1853/14, 1853/23, 1853/49, 1854/8  
 Richs, James Byrne 1845/10, 1846 (1)/8  
*Richmond* 1839/38, 1844/43  
 Riddell, Campbell Drummond, *Colonial Treasurer and sometime acting Colonial Secretary*  
 1841/2, 1842/2, 1843(2)/13, 1843(2)/29, 1844/7, 1844/10, 1844/42,  
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 1855/21, 1855/31, 1855/34, 1855/58, 1855/67, 1855/98  
 Riddell, J C *of Mount Macedon*, 1849/25  
 Rider, William Boughton *Engineer to the City Commissioners* 1854/65, 1855/4  
 Ritchie, John, *of Urang Urangon, Port Fairy*, 1849/25  
 Ritchie, Revd William, *Presbyterian Minister*, 1847/60  
 Roadknight, William 1841/1  
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 Roberts, William 1852/50  
 Robertson, Henry 1838/8  
 Robertson, John 1847/4  
 Robertson, Kinnear 1844/7  
 Robertson, Peter 1844/17  
 Robey, Ralph Mayer *former City Councillor* 1852/22  
 Robinson, George Augustus, *Protector of Aborigines* 1838/23

Robinson, Joseph Phelps 1843(2)/40, 1843(2)/58, 1844/7, 1844/10, 1844/15, 1844/17, 1844/25, 1844/42; 1844/43, 1844/49, 1844/53, 1844/56, 1844/59, 1844/63, 1844/73, 1845/4, 1845/6, 1845/7, 1845/9, 1845/10, 1845/13, 1845/14, 1845/16, 1845/22, 1845/27, 1845/31, 1846 (2)/5, 1846 (2)/6, 1846 ((2)/13, 1847/7, 1847/8, 1847/9, 1847/11, 1847/18, 1847/43, 1848/4

Rodd, B C *solicitor* 1844/49

Rodd, John Savory 1845/5

Rodgers, Francis, *foreman at Gabo Island.* 1849/33

Roemer, Charles William 1838/7, 1843(2)/13

Rogers, George John *solicitor* 1841/12, 1845/17, 1851(2)/11

Rolleston, Christopher *Commissioner of Crown Lands* 1845/10, 1852/21

*Roman Catholic Church* 1834/4

Ronald, Rowand *member of the Volunteer Artillery Corps* 1855/9

Ross, John *Captain of the ship Hashemy* 1854/19

Ross, Revd Robert, *Congregational Minister* 1843(2)/58, 1844/17, 1847/60, 1852/34, 1853/69

Rothery, John 1854/28

Rothery, William Montague 1843(2)/10, 1844/7

Rouse, Edwin 1841/1

Rouse, Richard 1832/29

Rowntree, Thomas Stevenson *a proprietor of the Waterview Bay Dry Dock* 1855/67

*Royal Exchange Company* 1837/26

Ruddy, John *workman employed at Gabo Island* 1849/33

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Russell, Andrew 1844/7

Russell, George, *of Golfhill, River Leigh*, 1845/5, 1849/25

Russell, George Norton *Export Officer in the Customs Department* 1854/41

Russell, Henry Stuart 1853/15, 1853/19, 1853/49, 1854/4, 1854/50

Russell, John William *Colleague of Thomas Stevenson Rowntree* 1855/67

Russell, Lord John, *Secretary of State for War and the Colonies* 1839/9, 1840/17, 1840/30, 1841/3

Russell, Peter Nicol *engineer* 1852/33

Russell, William *of Regentville* 1844/7, 1845/22, 1850/18, 1851(2)/9, 1853/32

Rutter, John Yates *apothecary, later Medical Officer to the Sydney Police* 1849/38, 1854/8

Rutledge, William, *of Port Fairy*, 1849/25

Ryan, John *Chief Constable at Parramatta* 1854/3

Ryan, Mary 1853/14

Ryder, Thomas Urmson 1834/4, 1838/7

Ryrie, Stewart 1841/1

Ryrie, William 1841/1

## S

Sadleir, Richard, *Lieutenant R.N.* 1838/23, 1854/8

Sadleir, William *Chief Constable at Liverpool* 1854/3

*St James Glebe Trustees* 1855/76

St John, Frederick Berkley 1844/7

*St Kilda* 1845/14

*St Paul's College, University of Sydney* 1854/82

Salting, Severin Kanute *merchant* 1838/21, 1843(2)/13, 1843(2)/65, 1844/73, 1847/43  
 Samuel, Saul *merchant* 1852/51, 1855/31, 1855/57, 1855/58, 1855/68, 1855/70  
 Samuel, Lewis, *of Wellington*, 1847/43  
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 Sandeman, Gordon *of Moreton Bay* 1854/36  
 Saunders, Revd John 1844/17  
 Savage, Arthur, *Surgeon R.N. and Health Officer of Port Jackson* 1838/21, 1842/32, 1849/4,  
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 Sawkins, James Gay 1852/50  
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 Scannell, Bartholomew Peter 1844/17  
 Schmidt, Revd William 1845/10, 1845/13  
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*Scone* 1844/7, 1844/13, 1845/10  
 Scope, Henry *engineer* 1838/7, 1846(1)/8  
*Scotch Thistle* 1852/21  
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 Scott, David Charles Frederick 1844/7, 1846 (1)/8  
 Scott, Hon. Francis, M.P. 1844/63.  
 Scott, Helenus 1844/7  
 Scott, Robert 1837/2, 1838/23, 1839/1, 1841/1, 1842/2  
 Scott, Thomas H Scott, Walter *Overseer and foreman on the Newcastle Breakwater* 1849/26  
*Seaman* see *Merchant Seamen*  
*Sebastopol* 1855/98  
*Secession Presbyterian Church* see *Presbyterian Church*  
 Sempill, Hamilton Collins 1838/7, 1839/1  
*Sewerage* see *Water and Sewerage*  
 Sharkey, John *Foreman of Works in the Colonial Architects Department* 1855/31  
 Shaw, Benjamin *an Assistant Harbour Master* 1855/67  
*Sheep* 1832/29, 1835/31, 1838/10, 1845/5, 1845/6, 1849/11, 1849/45, 1854/28,  
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 Shelley, Mrs, *of Parramatta* 1838/23  
 Shelley, George 1841/1  
 Shepherd, Thomas W *nurseryman* 1855/24  
 Sherbrooke, *Viscount* see *Lowe, Robert*  
 Sherman, John *Chief Constable at Bathurst* 1854/3  
 Shields, Francis Webb *civil engineer and former City Surveyor* 1848/3, 1849/4, 1849/10  
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 Shoobert, James 1847/4  
*Shooting* 1841/4  
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 Shortrede, Andrew *former editor of the China Mail newspaper* 1854/36  
 Simmons, Charles 1855/4  
 Sillitoe, Acton *merchant* 1844/73, 1845/14, 1855/92  
 Simmons, Isaac 1840/2  
 Simpson, Charles 1844/7  
 Simpson, Percy 1839/8, 1845/7  
 Simpson, Stephen *Commissioner of Crown Lands* 1845/5, 1845/10  
*Singleton, 1844/7, 1844/13*  
 Singleton, James *Inspector in the Sydney Police* 1854/3, 1854/8

*Sir Charles Napier, ship* 1842/2  
 Slade, G M 1838/21  
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 Smith, Francis *contractor* 1855/4  
 Smith, Henry Gilbert 1848/3  
 Smith, John *merchant* 1850/27, 1852/3  
 Smith, John *Professor of Chemistry* 1855/12  
 Smith, Jones Agnew 1844/7  
 Smith, Joseph 1844/7  
 Smith, Maria 1849/8  
 Smith, Mary 1842/30  
 Smith, Thomas 1838/7  
 Smith, Thomas *resident of Pymont* 1855/20  
 Smith, Thomas T 1838/8  
 Smith, Thomas Whistler 1854/79  
 Smith, William *blacksmith*  
 Smyth, *Captain George, of the Mounted Police* 1839/1  
 Smythe, Henry Wilson Hutchinson *Commissioner of Crown Land, Benalla*, 1845/10,  
 1849/25  
 Snodgrass, Kenneth, *Lieutenant Colonel, Officer Commanding the Forces* 1834/4, 1834/9,  
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*South Sea Island Labourers* 1847/7  
 Spain, William *solicitor* 1855/19  
 Spark, Alexander Brodie 1834/4, 1838/7  
 Spence, Edward Jones *Manager of the Colonial Gold Company* 1852/50  
 Sparling, *Revd Hart Davis* 1851(2)/21  
*Spirits* 1830/11, 1838/49, 1842/23, 1844/43  
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 Stack, *Revd William, Church of England Clergyman at Cambelltown* 1854/27  
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 Stanley, *Viscount, Secretary of State for War and the Colonies* 1841/25, 1842/1, 1842/25,  
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 Steel, Peter 1844/17  
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 Stephen, *Sir Alfred, Chief Justice* 1840/21, 1845/17, 1846 (2)/5, 1847/7, 1852/33,  
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 Stephen, *Revd Alfred H Member of the Committee of the Destitute Children's Asylum* 1854/3,  
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Stephen, James, *Under Secretary in the Colonial Office* 1840/17  
 Stephen, John *perhaps Solicitor General* 1845/7  
 Stephen, Sydney 1838/7  
 Stewart, Revd Colin, Presbyterian Minister 1847/60  
 Stewart, Robert *undertaker* 1855/44  
 Stewart, Donald *Secretary to the City Commissioners* 1854/65  
 Stiles, Revd Henry Tarlton, *Church of England Clergyman at Windsor* 1854/27  
*Stockade at Penrith* 1846 (1)/8  
 Stodart, D E *of Corunnum, Lake Coragamite*, 1849/25  
 Stirling, John *Auditor General* 1854/70  
 Stokes, I L *Captain of the Beagle* 1842/25  
 Stone, George, *Constable and Scourger of the Hyde Park Barracks* 1844/10  
 Story, James Barrow *proprietor of a steam pile driving machine* 1855/6  
 Street, John 1839/8  
 Struth, John *engineer* 1847/11, 1848/12, 1852/33  
 Stuart, Alexander *Secretary to the Bank of New South Wales* 1854/50  
 Stuart, James 1838/21  
 Stubbs, Richard *Inspector of Nuisances for the City of Sydney* 1848/12, 1855/12  
 Stubbs, Thomas *auctioneer and valuer* 1843(2)/13, 1844/73, 1845/14, 1847/64  
 Stutchbury, Samuel 1855/31  
*Sugar* 1842/23  
 Sullivan, Benjamin 1839/8, 1844/7  
 Sullivan, J 1838/21  
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*Surrey Hills, Sydney*, later *Surry Hills* 1834/31, 1842/30  
*Surry Hills Church* 1855/90  
 Sutherland, Benjamin 1843(2)/10, 1843(2)/58  
 Sutherland, Robert 1845/5  
 Suttor, E B 1844/7  
 Suttor, William Henry 1843(2)/29, 1843(2)/35, 1844/7, 1844/13, 1845/5, 1845/7,  
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 Swift, Jacob Meade *Surgeon superintendent of the immigrant ship Mary Bannatyne* 1849/14  
*Sydney, Boundaries* 1842/8  
*Sydney Banking Company* 1840/19  
*Sydney Bethel Union* 1851(2)/22  
*Sydney College* 1849/64  
*Sydney, Corporation* 1842/8, 1845/31, 1849/4, 1852/22, 1854/65, 1855/4, 1856/35  
*Sydney Cove and Circular Quay* 1833/25, 1836/11, 1839/1, 1840/21, 1844/15, 1847/9,  
 1852/20, 1855/67  
*Sydney Dry Dock Company* 1853/69  
*Sydney Exchange Company* 1851(2)/12, 1855/19  
*Sydney Free Grammar School* see *Sydney College, Sydney Grammar School*  
*Sydney Gold Escort Company* 1853/19  
*Sydney Grammar School* 1854/28  
*Sydney, Harbour* see also *Cockatoo Island Dry Dock*  
*Sydney, Harbour* 1853/30  
*Sydney Insurance Company* 1855/35  
*Sydney Mechanic's School of Arts* 1852/28, 1855/21

*Sydney Railway Company* see *Railways*  
*Sydney, streets* 1830/10, 1832/39, 1832/43, 1834/31, 1834/32, 1834/33, 1839/1,  
 1840/21, 1842/8, 1844/15, 1847/9, 1847/64, 1850/27, 1854/22, 1854/29  
*Sydney and Melbourne Steam Packet Company* 1854/22  
*Sydney University* see *University of Sydney*

## T

Taafe, Francis *settler on the Murrumbidgee* 1845/5, 1847/4, 1849/45  
 Tait, Revd John, John, *Presbyterian Minister*, 1847/60  
 Tallow 1848/1, 1850/1  
*Tarban Creek* see *Lunatic Asylum at Tarban Creek*  
 Tarrant, Richard Hayes *apothecary* 1849/38  
 Tate, William King *former London pawnbroker* 1854/22  
 Taylor, David 1838/21, 1843(2)/10  
 Taylor, James Clegg *importer of wines and spirits* 1854/41  
 Taylor, John 1849/8  
 Taylor, Robert 1838/8  
 Taylor, Thomas *Manager of the Parramatta Steam Boat Company* 1852/33  
 Taylor, William T, *of Langerenong, Wimmera District*, 1844/7, 1849/25  
 Teale, William 1855/68  
 Tebbutt, Thomas 1844/13, 1847/42  
*Tenements* 1852/62  
 Terry, Frederick, *Manager of the Australasian Steam Navigation Company* 1854/22  
 Thacker, John 1847/11  
 Therry, John Joseph *Roman Catholic priest* 1854/8  
 Therry, Roger, *Commissioner of the Courts of Request and sometime Attorney General, barrister, later Supreme Court judge* 1838/7, 1842/1, 1842/8, 1842/14, 1842/30, 1843(2)/10, 1843(2)/22, 1843(2)/31, 1843(2)/65, 1843(2)/69, 1844/11, 1844/17, 1844/49, 1854/28  
*Thetis, ship* 1842/2  
 Thom, John 1841/4  
 Thomas, David *engineer* 1852/33  
 Thomas, Henry *of Newtown* 1855/44  
 Thomas, William *Assistant Protector of Aborigines* 1845/10  
 Thompson, Charles 1832/29, 1854/22  
 Thompson, F C L 1839/8  
 Thompson, John, *Deputy Surveyor General* 1839/1, 1847/43, 1853/10, 1854/58, 1854/65  
 Thompson, Joseph, junior, *linen draper* 1848/12  
 Thomson, Alexander 1841/1, 1843(2)/10, 1843(2)/29, 1843(2)/31, 1843(2)/38  
 Thomson, Alfred Taddy, *of Yall-Poura, Fiery Creek*, 1849/25  
 Thomson, Edward Deas, *Colonial Secretary* 1837/16, 1838/8, 1838/10, 1838/14, 1839/1, 1839/8, 1839/9, 1840/2, 1840/15, 1840/17, 1840/21, 1841/1, 1841/2, 1841/16, 1841/25, 1842/2, 1843(2)/7, 1843(2)/10, 1843(2)/58, 1843(2)/60, 1843(2)/69, 1844/7, 1844/15, 1844/17, 1844/42, 1845/5, 1845/7, 1845/9, 1845/13, 1845/16, 1845/17, 1845/22, 1845/27, 1845/31, 1846 (1) 1, 1846(2)/5, 1846 (2)/6, 1847/4, 1847/7, 1847/9, 1847/18, 1847/64, 1848/1, 1848/2, 1848/3, 1848/12, 1849/3, 1849/4, 1849/10, 1849/11, 1849/12, 1849/14, 1849/15, 1849/26, 1849/33, 1849/41, 1849/64, 1850/1, 1850/4, 1850/9, 1850/11, 1850/25, 1850/27, 1851(1)/1, 1851(2)/21, 1851(2)/28, 1852/1,

1852/2, 1852/3, 1852/6, 1852/9, 1852/14, 1852/20, 1852/33, 1852/50,  
 1852/51, 1852/65, 1853/6, 1853/10, 1853/14, 1853/15, 1853/25, 1853/63  
 Thomson, Maxwell *schoolmaster* 1855/4  
 Thorne, George 1854/79  
 Thornton, George *member of the City Council, master of the schooner 'Tom Tough* 1852/22,  
 1855/31  
 Threlkeld, Revd Lancelot Edward 1838/23, 1847/11  
 Throsby, Charles 1844/7, 1846 (1)/8  
 Thurlow, William *member of the Sydney Corporation and of its Improvement Committee, and  
 sometime Mayor* 1849/4, 1852/22, 1853/6, 1853/10, 1853/14, 1854/4, 1854/22,  
 1854/84  
 Tompson, Piddocke Arthur *solicitor and landowner* 1852/42, 1853/32, 1854/54  
 Tomson, Charles 1844/7, 1844/13  
 Toogood, Alfred *licensed publican* 1855/13  
 Tooth, John 1845/9  
 Torrens, Robert, *Land and Emigration Commissioner* 1840/17  
 Towns, Robert *ship owner and merchant* 1837/2, 1843(2)/38, 1852/9, 1854/19, 1854/36,  
 1855/13  
 Traill, Rowland John *of Collaroy, Merriwa* 1847/4, 1855/28  
*Tramways* see *Railways*  
*Transportation* 1830/10, 1838/14, 1846(2)/21  
*Treadmill* 1825/30  
 Treeve, Josiah Richard *Secretary for the Church of England Cemetery at Camperdown* 1855/44  
 Trickett, Joseph *Superintendent of the Coining Department of the Mint* 1855/31  
*Tunnel for conveying water to Sydney* 1832/32, 1833/12, 1837/16  
 Turner, Revd George Edward, *Church of England Clergyman at Ryde, member of the Committee of  
 The Museum* 1854/27, 1855/24  
*Turon Golden Ridge Quartz Crushing Company* 1852/64  
 Turton, Samuel 1854/28  
 Tyers, Charles James *Commissioner of Crown Lands* 1845/10  
 Tyre, John *of the Commissariat Department* 1855/67

## U

Udney, John *surgeon superintendent of immigrant vessels* 1845/13  
*Union Assurance Company* 1836/13  
*Union Bank of Australia* 1847/14  
*United Presbyterian Church* see *Presbyterian Church*/13  
*Universal Exhibition, Paris, 1853*/63  
*University of Sydney* 1849/64, 1854/21  
*University of Sydney Colleges* see *the names of individual colleges, e.g., St Paul's College*  
 Unwin, Frederick Wright *solicitor* 1832, /43, 1834/4, 1841/12, 1845/17, 1850/18,  
 1851(2)/21  
*Upset price of land* see *Crown Lands*  
 Urie, John 1852/3

## V

*Vacant Seat in the Council* 1844/73  
 Vanderkiste, Revd Robert Weguelin, *Wesleyan Minister* 1854/8  
*Van Diemen's Land* 1830/11, 1835/18, 1838/23, 1839/8, 1841/4, 1845/10, 1845/13,  
 1845/22, 1846 (2)/6  
 Van Zuilecom, *Captain* Charles Lewis 1847/7  
 Verge, John 1838/8  
 Vickery, James 1854/8  
 Victoria, *Queen* 1840/30, 1842/1  
*Victoria, Colony of* 1851(1)/1  
 Vigne, Frederick *magistrate in the New England District* 1854/8  
 Villiers, Edward E *Land and Emigration Commissioner* 1840/17  
*Volunteer and Yeomanry Corps* 1854/8, 1855/9, 1855/4

## W

*Wages* 1849/45  
 Walcott, Edmund *Engineer for part of the Circular Wharf* 1855/67  
 Walker, Archibald 1841/25  
 Walker, James 1841/1, 1845/5  
 Walker, Revd James, *Church of England Clergyman at Liverpool* 1854/27  
 Walker, John *Secretary and Cashier of the Bank of Australia* 1844/73, 1854/58  
 Walker, Robert *distiller* 1844/43  
 Walker, Thomas *of the Murrumbidgee District* 1834/4, 1838/7, 1838/21, 1839/8,  
 1843(2)/7, 1843(2)/29, 1843(2)/60, 1844/13, 1844/15, 1844/39, 1844/43,  
 1844/53, 1844/56, 1844/6, 1845/13, 1855/28  
 Walker, William *member of the Volunteer Rifle Corps* 1845/13, 1855/9  
 Wall, *Captain* Arthur Philip, 1847/11  
 Wallace, Francis Lascelles, *medical doctor* 1841/2, 1848/12  
 Wallace, James *Engineer-in-Chief of the Sydney Railway* 1853/10, 1854/10, 1854/20,  
 1854/65, 1855/20, 1855/52  
 Waller, John Gough *wine and spirit merchant* 1854/41  
 Wallis, William 1852/3  
*Wallis's Creek* 1844/42  
 Walsh, Revd William Horatio 184/42, 1853/2, 1854/28  
 Want, Randolph John, *solicitor* 1843(2)/65, 1844/73, 1845/6, 1845/17, 1846 (2)/5,  
 1847/7  
 Ward, Edward Wolstenhome 1855/67  
 Ward, William 1854/19, 1855/9, 1855/31, 1855/52, 1855/67  
 Wardell, Robert 1834/4  
 Warland, Hugh 1847/4  
 Warren, Alexander 1844/7  
*Waste Lands* see *Crown Land*  
 Watson, William Hood 1844/7  
*Water and Sewerage* 1853/6, 1854/65  
*Water Police* 1843(2)/38, 1852/9  
*Water Supply* see *Tunnel for conveying water to Sydney* and *Water and Sewerage*  
*Waterview Bay Dry Dock Company* 1854/84, 1855/57  
 Watson, Henry Gunsley 1844/7  
 Watson, William Hood 1844/7  
 Watton, John *Surgeon* 1845/10

Wauchope, Andrew 1844/7  
 Wearin, John, *Chief Inspector of Police and sometime Acting Chief Constable* 1844/10, 1847/4  
 Weaver, William *Clerk of Works in the Colonial Architect's Office, later Colonial Architect*  
 1853/15, 1854/10, 1854/70, 1855/31  
 Webb, Thomas *book-keeper for Leneham, a furniture dealer* 1855/31  
 Webb, William *resident of Pyrmont* 1852/22  
 Webster, James, *of Mount Shadwell*, 1849/25  
 Wedderburn, John *wine and spirit merchant* 1854/41  
 Weekes, Elias *Carpenter City Councillor* 1849/4, 1852/22  
*Wellington* 1838/14, 1845/22  
*Wellington Valley* 1838/23  
 Wentworth, D'Arcy 1843(2)/38, 1844/7, 1844/10, 1852/50  
     Wentworth, William Charles 1844/5, 1844/11, 1844/13, 1844/15, 1844/17,  
     1844/39, 1844/42, 1844/53, 1844/56, 1844/59, 1844/63, 1844/73, 1845/5,  
     1845/6, 1845/7, 1845/14, 1845/17, 1845/21, 1845/22, 1845/27, 1845/31, 1846  
     (1)/2, 1846 (1)/8, 1846 (2)/5, 1846 (2)/6, 1847/4, 1847/7, 1847/14, 1847/64,  
     1848/1, 1848/4, 1849/4, 1849/8, 1849/11, 1849/14, 1849/26, 1849/30,  
     1849/38, 1849/64, 1850/1, 1850/2, 1850/9, 1850/11, 1850/18, 1850/25,  
     1851(1)/1, 1851(1)/2, 1851(1)/4, 1851(2)/4, 1851(2)/21, 1851(2)/22, 1852/1,  
     1852/2, 1852/3, 1852/6, 1852/1 1852/14, 1852/16, 1852/22, 1852/32, 1852/44,  
     1852/50, 1852/59, 1852/62, 1852/64, 1853/2, 1853/6, 1853/8, 1853/9,  
     1853/12, 1853/14, 1853/68, 1853/69, 1855/67  
*Wentworth Gold Field Company* 1853/14  
*Wesleyan Methodists* 1853/23  
*Western Port, District (Port Phillip)* 1845/10  
 Westgarth, William 1851(1)/1  
 Weston, Edward 1844/7  
*Wharfage* 1844/15  
*Wheat and other Grain* 1844/39, 1850/1  
 Whelan, *Sergeant of the Sydney Police* 1844/10  
 Whittell, Henry Rawes  
 Wickham, John Clement 1844/7, 1845/10  
*Wilberforce* 1844/43  
*Wild Dog* see *Native Dog*  
 Wild, John 1844/7, 1847/4  
 Wilkie, George *baker* 1855/12  
 Wilkins, William 18654/28  
 Wilkinson, *Revd Frederick Church of England Clergyman at Trinity Church* 1854/27  
 Williams, James Hartwell *American Consul* 1854/8, 1855/13  
 Williams, John *licensed victualler* 1855/13  
 Williams, John *solicitor* 1853/14, 1854/46  
 Willis, Edward 1647/4, 1847/7  
 Willis, John Scaife *merchant* 1852/9  
 Willmington, William 1848/12  
 Wills, William Charles, *Assistant to the Town Clerk of Sydney and Mayor's Secretary* 1849/4  
 Wilshire, James Robert, *Member of the Corporation of Sydney and former Mayor of Sydney*  
 1844/17, 1848/12, 1849/4, 1855/8, 1855/10, 1855/12, 1855/16, 1855/24,  
 1855/44, 1855/57, 1855/68  
 Wilson, Adam *proprietor of a bonded warehouse* 1844/15  
 Wilson, George *civil engineer* 1855/4  
 Wilson, James, *of Talangatta, Hume River*, 1849/25

Wilson, W *of Lismore, Richmond River*, 1849/25  
 Windeyer, Archibald 1844/7, 1845/10  
 Windeyer, Charles, *Senior Police Magistrate of Sydney* 1844/10, 1845/7, 1845/14  
 Windeyer, Richard 1844/7, 1844/11, 1844/13, 1844/17, 1844/45, 1844/49, 1844/53,  
 1844/59, 1844/63, 1844/73, 1845/4, 1845/7, 1845/10, 1845/13, 1845/17,  
 1845/21, 1845/22, 1846(2)/3, 1847/7, 1845/31, 1846 (2)/5, 1846 (2)/13,  
 1846/(2)/16, 1847/4, 1847/7, 1847/8, 1847/14, 1847/43, 1850/4  
*Windsor* 1844/43  
*Wine* 1849/45  
 Wingate, Thomas, *Major commanding 1<sup>st</sup> NSW Rifle Corps* 1855/9  
*Wollombi* 1845/10  
*Wollongong* 1844/13  
 Wood, George *Chief Constable at Maitland* 1854/3  
 Woodriff, Daniel James 1851(2)/7  
*Wool* see also *Lien on Wool*  
*Wool* 1845/13, 1845/14, 1848/1, 1850/1  
 Woolley, Revd John *Principal of Sydney University* 1854/8, 1854/28  
*Woolloomooloo* 1855/27  
 Woore, Thomas 1848/3  
 Wright, Gilbert *solicitor* 1849/4, 1849/8, 1852/42, 1853/69, 1854/46  
 Wynyard, Edward Buckley, *Major General in charge of the Forces* 1850/27

## X Y Z

*Yarra Yarra, River* 1844/15, 1845/27  
*Yass* 1849/33  
*Yass, River* 1854/45  
 Yeomans, George 1846 (1)/8  
 Young, Adolphus William 1844/10, 1844/11, 1844/53, 1845/7, 1847/4, 1851(2)/12  
 Youngman, Edward *chemist and druggist* 1849/38  
 Yule, Charles B 1848/4