

# Sessional Papers



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 1.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

THURSDAY, 23 JULY, 1903.

No. 1.

LAND AND INCOME TAX (AMENDMENT) BILL:—

Clauses 1 and 2 having been dealt with,—

Clause 3. Section seven of the Principal Act is amended by the addition at the end thereof of the following provision:—"The Commissioners shall not be 'compellable' to produce any return made to them or any other document in their possession by virtue of their office in any proceeding in any court or at any inquiry of any kind or nature whatsoever." Commissioners not compellable to produce returns, &c., in any proceeding or at any inquiry.  
Provided that every person who has furnished any return under the Principal Act or any Act amending the same shall be entitled to inspect such return and take copies of same at any reasonable time. (*Read.*)

Motion made (*Mr. Wood*), in line 2 after the word "compellable" to insert the words "except by order of a Judge."

Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 31.

- |                           |                         |
|---------------------------|-------------------------|
| Dr. Ross,                 | Mr. Norton,             |
| Mr. Frank Farnell,        | Mr. MacMahon,           |
| Mr. Cohen,                | Mr. Pyers,              |
| Mr. Mahony,               | Mr. Edden,              |
| Mr. Garland,              | Mr. Holman,             |
| Mr. Brunker,              | Mr. Latimer,            |
| Mr. Dight,                | Mr. Archibald Campbell, |
| Mr. Affleck,              | Mr. Estell,             |
| Mr. J. C. L. Fitzpatrick, | Mr. Millard,            |
| Mr. Moore,                | Mr. Carroll.            |
| Mr. Fleming,              |                         |
| Mr. Davidson,             | <i>Tellers,</i>         |
| Mr. Thomson,              | Mr. Dacey,              |
| Mr. Wood,                 | Mr. Law.                |
| Mr. Daniel O'Connor,      |                         |
| Mr. Kelly,                |                         |
| Mr. Sullivan,             |                         |
| Mr. Nobbs,                |                         |
| Mr. Clara,                |                         |

Noes, 35.

- |                   |                         |
|-------------------|-------------------------|
| Mr. Levy,         | Mr. Williams,           |
| Mr. David Storey, | Mr. Scobie,             |
| Mr. Morton,       | Mr. Burgess,            |
| Mr. Eden George,  | Mr. Thomas Fitzpatrick, |
| Mr. Waddell,      | Mr. W. P. Hurley,       |
| Mr. Power,        | Mr. John Storey,        |
| Mr. Henry Clarke, | Mr. Arthur Griffith,    |
| Sir John See,     | Mr. Hawthorne,          |
| Mr. Crick,        | Mr. McGowen,            |
| Mr. Coleman,      | Mr. Brinsley Hall,      |
| Mr. Wincombe,     | Mr. J. F. Smith,        |
| Mr. Lonsdale,     | Mr. Raymond,            |
| Mr. McFarlane,    | Mr. Kidd,               |
| Mr. Donaldson,    | Mr. Briner.             |
| Mr. Bennett,      |                         |
| Mr. Perry,        | <i>Tellers,</i>         |
| Mr. Quinn,        | Mr. Collins,            |
| Mr. Anderson,     | Mr. Gillies.            |
| Mr. Jones,        |                         |

*Insertion of proposed words negatived.*

No. 2.

SAME BILL.

*Same Clause.*

Motion made (*Mr. David Storey*) to add to clause the words:—"Provided that every person who has furnished any return under the Principal Act or any Act amending the same shall be entitled to inspect such return and take copies of same at any reasonable time."

Question put,—That the words proposed to be added be so added.

Committee divided.

Ayes, 34.

Mr. Morton,	Mr. Winchcombe,
Mr. Frank Farnell,	Mr. Davidson,
Mr. Lonedale,	Mr. Levy,
Mr. Waddell,	Mr. Law,
Mr. Crick,	Mr. Moore,
Sir John See,	Mr. Collins,
Mr. Henry Clarke,	Mr. Anderson,
Mr. Donaldson,	Mr. Thomas Fitzpatrick,
Mr. David Storey,	Mr. Gillies,
Mr. Latimer,	Mr. Arthur Griffith,
Mr. W. F. Hurley,	Mr. Bennett,
Mr. Coleman,	Mr. Eden George,
Mr. Kidd,	Mr. McFarlane,
Mr. Perry,	Mr. Brimsley Hall.
Mr. Raymond,	
Mr. Quinn,	<i>Tellers,</i>
Mr. Scobie,	Mr. Burgess,
Mr. Thomson,	Mr. Briner.

Noes, 32.

Dr. Ross,	Mr. Estell,
Mr. Cohen,	Mr. Power,
Mr. Mahony,	Mr. Edden,
Mr. Daniel O'Connor,	Mr. Norton,
Mr. J. C. L. Fitzpatrick,	Mr. Dacey,
Mr. Wood,	Mr. Jones,
Mr. Millard,	Mr. McGowen,
Mr. Garland,	Mr. John Storey,
Mr. Nobbs,	Mr. MacMahon,
Mr. Fleming,	Mr. J. F. Smith,
Mr. Afleck,	Mr. Carroll,
Mr. Archibald Campbell,	Mr. Pyers.
Mr. Brunker,	<i>Tellers,</i>
Mr. Clara,	Mr. Williams,
Mr. Dight,	Mr. Holman.
Mr. Kelly,	
Mr. Sullivan,	
Mr. Hawthorne,	

*Words added.*

No. 3.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 37.

Mr. Morton,	Mr. MacFarlane,
Mr. Frank Farnell,	Mr. Dight,
Mr. Lonedale,	Mr. Davidson,
Mr. Waddell,	Mr. Law,
Mr. Crick,	Mr. Burgess,
Mr. Briner,	Mr. Collins,
Sir John See,	Mr. Anderson,
Mr. Henry Clarke,	Mr. Bennett,
Mr. Donaldson,	Mr. Gillies,
Mr. David Storey,	Mr. Dacey,
Mr. Latimer,	Mr. Hawthorne,
Mr. W. F. Hurley,	Mr. Jones,
Mr. Coleman,	Mr. John Storey,
Mr. Kidd,	Mr. McGowen,
Mr. Perry,	Mr. Thomas Fitzpatrick.
Mr. Raymond,	
Mr. Quinn,	<i>Tellers,</i>
Mr. Scobie,	Mr. Levy,
Mr. Thomson,	Mr. Eden George.
Mr. Winchcombe,	

Noes, 27.

Dr. Ross,	Mr. Arthur Griffith,
Mr. Cohen,	Mr. Pyers,
Mr. Moore,	Mr. Carroll,
Mr. Mahony,	Mr. J. F. Smith,
Mr. Daniel O'Connor,	Mr. MacMahon.
Mr. J. C. L. Fitzpatrick,	<i>Tellers,</i>
Mr. Wood,	Mr. Kelly,
Mr. Millard,	Mr. Williams.
Mr. Garland,	
Mr. Fleming,	
Mr. Nobbs,	
Mr. Afleck,	
Mr. Archibald Campbell,	
Mr. Brunker,	
Mr. Holman,	
Mr. Sullivan,	
Mr. Norton,	
Mr. Edden,	
Mr. Power,	
Mr. Estell,	

*Clause, as amended, agreed to.*

And clause 4 having been dealt with,—

No. 4.

SAME BILL.

Clause 5. (1) Where any person liable under the provisions of the Principal Act or any Act amending the same to pay any land tax makes default in the payment thereof, then, without in any way releasing him from his liability therefor, where such land tax is payable in respect of any land which is subject to any mortgage or lease or which is occupied by any person, the mortgagee, lessee, or occupier shall be liable to pay the same.

(2) Where any mortgagee, lessee, or occupier has paid any land tax under the provisions of this section, he shall be deemed to have made such payment for and on behalf of the person making default as aforesaid, and may recover the amount thereof, with the costs attending the recovery thereof, from such person, or may retain or deduct the same out of any money in his hand belonging to or payable to such person.

(3) Where any mortgagee has paid any land tax as aforesaid, the amount thereof shall, until and unless the same is repaid, be deemed to be covered by the mortgage in addition to all other amounts secured thereby, and shall bear interest at the "same" rate as such other amounts. (*Read.*)

And the clause having been amended as indicated,—

Motion made (*Mr. O'Connor*) to leave out, from line 13, the word "same"

Question put,—That the word proposed to be left out stand part of the clause.

Committee

On default of mortgagee, lessor, or owner, in payment of land tax, mortgagee, lessee, or occupier respectively to be liable to pay the same.

On such payment, amount may be recovered by person paying same.

Where a mortgagee has so paid, amount to be added to mortgage debt.

Committee divided.

Ayes, 44.

Mr. Coleman,	Mr. McFarlane,	Mr. Norton,
Mr. Briner,	Mr. Kidd,	Mr. Anderson,
Sir John See,	Mr. Cohen,	Mr. Brunner,
Mr. Perry,	Mr. Kelly,	Mr. Morton,
Mr. Crick,	Mr. Levy,	Mr. Millard,
Mr. Waddell,	Mr. Collins,	Mr. Wood,
Mr. Arthur Griffith,	Mr. Brinsley Hall,	Mr. Broughton,
Mr. Archibald Campbell,	Mr. Thomson,	Mr. Nobbs,
Mr. Dacey,	Mr. McGowen,	Mr. Garland,
Mr. Power,	Mr. John Storey,	Mr. Hawthorne.
Mr. J. F. Smith,	Mr. Burgess,	<i>Tellers,</i>
Mr. W. F. Hurley,	Mr. Estell,	Mr. Law,
Mr. Lonsdale,	Mr. Quinn,	Mr. Fallick.
Mr. Bennett,	Mr. Edden,	
Mr. Scobie,	Mr. Pycers,	
Mr. Winchcombe,	Mr. MacMahon,	

Noes, 10.

Mr. Daniel O'Connor,
Mr. J. C. L. Fitzpatrick,
Mr. Davidson,
Mr. Moore,
Mr. Fleming,
Mr. O'Connor,
Mr. Dick,
Mr. Gilbert.
<i>Tellers,</i>
Mr. Holman,
Mr. Mahony.

*Word stands.*

*Clause, as amended, agreed to.*

And clauses 6 and 7 having been dealt with,—

And the Committee continuing to sit after Midnight,—

FRIDAY, 24. JULY, 1903, A.M.

No. 5.

SAME BILL.

Clause 8. (1) There shall be charged, levied, collected, and paid to the Commissioners for the use of His Majesty an income tax, at the same rate per pound as is declared and enacted in respect of the income tax payable under the Principal Act, in respect of the amount exceeding two hundred pounds of any sum or sums of "money" being income arising, accruing, or derived by any person from any of the sources mentioned in section fifteen of the said Act, notwithstanding that such amount may not be the annual amount of the income of such person within the meaning of the said section during part only of a year.

Income tax to be payable on sums arising, &c., though not the annual amount of the income within s. 15 of the Principal Act.

Provided that in the case of a company not exempt under section seventeen of the Principal Act from taxation under that Act, income tax shall be payable under this section whether the amount therein mentioned does or does not exceed two hundred pounds.

(2) The Commissioners may require returns, and further or fuller returns, from any such person at any time, and such returns shall be made and delivered to the Commissioners within the time, and in the manner, and shall set forth the particulars required by or under any notice given by the Commissioners in that behalf.

(3) From the returns so furnished, or from any other available source, the Commissioners shall cause assessments to be made in the same manner as from returns furnished under the Principal Act.

(4) Thereupon, and upon notice of the amount of tax or of any additional or amended tax payable by any such person being served upon such person or his agent, the said amount shall become due, and may be sued for and recovered from such person or his agent by the Commissioners on behalf of His Majesty forthwith by action of debt in any Court of competent jurisdiction.

(5) All the provisions of the Principal Act, and of this or any other Act extending or amending the said Act, and of any regulation made under any of the said Acts, so far as they are not inconsistent with the provisions of this section, shall apply to such returns, and to the persons liable to make the same, and to such assessments, as if such returns and assessments were returns and assessments under the Principal Act, and all proceedings may be had and taken and all things done for the purpose of giving effect to the provisions of this section which may be had, taken, or done for the purpose of giving effect to the provisions of the Principal Act in the like case. (*Read.*)

And the clause having been amended as indicated,—

Question put,—That the clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 27.

Mr. Power,	Mr. Collins,
Mr. Briner,	Mr. Winchcombe,
Mr. W. F. Hurley,	Mr. Garland,
Mr. John Storey,	Mr. Lonsdale,
Mr. Pycers,	Mr. Estell,
Mr. Bennett,	Mr. Norton,
Sir John See,	Mr. Arthur Griffith,
Mr. Waddell,	Mr. Edden,
Mr. Perry,	Mr. Wood,
Mr. Crick,	Mr. Dacey.
Mr. Kidd,	<i>Tellers,</i>
Mr. Scobie,	Mr. Kelly,
Mr. Archibald Campbell,	Mr. Thomson.
Mr. Anderson,	
Mr. Burgess,	

Noes, 13.

Mr. Nobbs,
Mr. Broughton,
Mr. Fallick,
Mr. Brunner,
Mr. Morton,
Mr. Davidson,
Mr. J. C. L. Fitzpatrick,
Mr. Levy,
Mr. O'Connor,
Mr. Moore,
Mr. Fleming.
<i>Tellers,</i>
Mr. Law,
Mr. Cohen.

*Clause, as amended, agreed to.*

No. 6.

## No. 6.

## SAME BILL.

Income tax payable on interest on foreign mortgage.

Clause 9.\* Any interest arising or accruing to a mortgagee from a mortgage of land situate in New South Wales shall, whether the mortgagee is resident, or the mortgage-deed is located, or the interest on the mortgage is paid or payable within or without New South Wales, be deemed "to have been as from the first day of January, one thousand eight hundred and ninety-eight, and" to be income arising or accruing to the mortgagee within the meaning of section fifteen of the Principal Act on which income tax is leviable. (*Read.*)

Motion made (*Mr. Garland*) to leave out from lines 4 and 5 the words, "to have been as from the first day of January, one thousand eight hundred and ninety-eight, and"

Question put,—That words proposed to be left out stand part of the clause.

Committee divided.

## Ayes, 22.

Sir John See,	Mr. W. F. Hurley,
Mr. Perry,	Mr. Burgess,
Mr. Waddell,	Mr. MacMahon,
Mr. Crick,	Mr. Estell,
Mr. Kidd,	Mr. Norton,
Mr. Scobie,	Mr. Collins,
Mr. Archibald Campbell,	Mr. McGowen,
Mr. Briner,	Mr. Dacey.
Mr. Power,	<i>Tellers,</i>
Mr. John Storey,	
Mr. Pyers,	Mr. Kelly,
Mr. Anderson,	Mr. Thomson.

## Noes, 16.

Mr. Lonsdale,	Mr. Bruncker,
Mr. Moore,	Mr. Morton.
Mr. O'Connor,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	
Mr. Garland,	Mr. Law,
Mr. Levy,	Mr. Winchcombe.
Mr. Cohen,	
Mr. Coleman,	
Mr. Fleming,	
Mr. Nobbs,	
Mr. Broughton,	
Mr. Fallick,	

*Words stand.*

## No. 7.

## SAME BILL.

*Same Clause.*

Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

## Ayes, 22.

Mr. Perry,	Mr. Thomson,
Mr. Waddell,	Mr. Kelly,
Sir John See,	Mr. Norton,
Mr. Crick,	Mr. Collins,
Mr. Kidd,	Mr. Anderson,
Mr. Scobie,	Mr. Burgess,
Mr. Archibald Campbell,	Mr. W. F. Hurley,
Mr. Briner,	Mr. MacMahon.
Mr. Power,	<i>Tellers,</i>
Mr. John Storey,	
Mr. Pyers,	Mr. Dacey,
Mr. Estell,	Mr. McGowen.

## Noes, 16.

Mr. Lonsdale,	Mr. Coleman,
Mr. Moore,	Mr. Law.
Mr. O'Connor,	<i>Tellers,</i>
Mr. Garland,	
Mr. Cohen,	Mr. Levy,
Mr. Winchcombe,	Mr. J. C. L. Fitzpatrick.
Mr. Morton,	
Mr. Bruncker,	
Mr. Fallick,	
Mr. Broughton,	
Mr. Nobbs,	
Mr. Fleming,	

*Clause, as read, agreed to.*

And clauses 10 and 11 having been dealt with,—

## No. 8.

## SAME BILL.

Income tax payable by ship-owners out of New South Wales.

Clause 12. (1) Section twenty-four of the Principal Act is hereby repealed.

(2) When any person out of the State of New South Wales, or whose chief office is out of the said State, carries on business in the State as owner or charterer of any ship, his agent in the State shall be assessed and be liable to pay income tax, and the taxable amount shall be five per centum of the amount of outward freight and passage money payable to such person or agent, whether such amount be payable in or out of the said State. (*Read.*)

Question put,—That the clause as read stand part of the Bill.

Committee divided.

## Ayes, 24.

Mr. Anderson,	Mr. MacMahon,
Mr. Waddell,	Mr. Thomson,
Mr. Lonsdale,	Mr. Edden,
Mr. Perry,	Mr. Winchcombe,
Mr. Crick,	Mr. Briner,
Mr. Scobie,	Mr. Bennett,
Mr. Kidd,	Mr. Burgess,
Mr. J. F. Smith,	Mr. W. F. Hurley,
Mr. Power,	Mr. McGowen.
Sir John See,	<i>Tellers,</i>
Mr. John Storey,	
Mr. Pyers,	Mr. Collins,
Mr. Dacey,	Mr. Kelly.

## Noes, 16.

Mr. Davidson,	Mr. Cohen,
Mr. Fleming,	<i>Tellers,</i>
Mr. Moore,	
Mr. O'Connor,	Mr. Law,
Mr. Levy,	Mr. J. C. L. Fitzpatrick.
Mr. Garland,	
Mr. Broughton,	
Mr. Nobbs,	
Mr. Dick,	
Mr. Gilbert,	
Mr. Fallick,	
Mr. Archibald Campbell,	
Mr. Bruncker,	

*Clause, as read, agreed to.*

And clauses 13 and 14 having been dealt with,—

No. 9.

SAME BILL.

Clause 15. (1) Section fifty-three of the Principal Act is hereby repealed.

Refunds.

(2) If it is proved to the satisfaction of the Commissioners that the amount paid by any taxpayer as land tax or income tax is in excess of the amount properly chargeable (under the Principal Act or any Act amending the same) the Commissioners shall give a certificate to that effect, on production whereof the Colonial Treasurer shall refund the proper amount in each case to the taxpayer or person entitled to receive the same: "Provided that the Commissioners shall not certify for any refund under this section unless the claim is made within two years of the date when the tax was due."

(3) The last preceding subsection shall take effect in respect of the tax payable for the year one thousand nine hundred and two ~~two~~ **three** and for every subsequent year. (*Read.*)

Motion made (*Mr. Moore*) to leave out from lines 6 to 8 the words "Provided that the Commissioners shall not certify for any refund under this section unless the claim is made within two years of the date when the tax was due."

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 20.

Mr. Kidd,	Mr. Pyers,
Mr. Power,	Mr. Bennett,
Mr. Waddell,	Mr. MacMahon,
Mr. Perry,	Mr. Thomson,
Mr. Kelly,	Mr. W. F. Hurley,
Mr. Crick,	Mr. Collins,
Mr. Briner,	Mr. McGowen.
Mr. Anderson,	<i>Tellers,</i>
Mr. J. F. Smith,	Mr. Burgess,
Sir John See,	Mr. Dacey.
Mr. Scobie,	

Noes, 17.

Mr. Fallick,	Mr. Gilbert,
Mr. Fleming,	Mr. Coleman,
Mr. Davidson,	Mr. Nobbs,
Mr. O'Connor,	Mr. Broughton.
Mr. Moore,	<i>Tellers,</i>
Mr. Lonsdale,	Mr. Garland,
Mr. J. C. L. Fitzpatrick,	Mr. Winchcombe.
Mr. Levy,	
Mr. Cohen,	
Mr. Archibald Campbell,	
Mr. Brunker,	

*Words stand.*

And the clause having been amended as indicated,—

*Clause, as amended, agreed to.*

And clauses 16 and 17 having been dealt with,—

No. 10.

SAME BILL.

Clause 18. (1) In subsection one of section twenty-eight of the Principal Act, the word "income" shall be deemed "to have meant and" to mean income in respect of which income tax is payable by the person receiving the income under the provisions of the Principal Act other than the provisions of section twenty-three of that Act, and "interest" shall include interest on money borrowed for the purpose of carrying on any business.

(2) Section three of the Land and Income Tax (Declaratory) Act, 1898, is repealed.

(*Read.*)

Mr. Cohen moved to leave out from line 2 the words "to have meant and"

Question put,—That words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 23.

Mr. Kelly,	Mr. Archibald Campbell,
Mr. Waddell,	Mr. Thomson,
Mr. Power,	Mr. W. F. Hurley,
Mr. Crick,	Mr. McGowen,
Mr. Perry,	Mr. Norton,
Mr. Scobie,	Mr. Bennett,
Mr. J. F. Smith,	Mr. Edden,
Mr. Anderson,	Mr. Burgess.
Mr. Kidd,	<i>Tellers,</i>
Mr. Briner,	Mr. Dacey,
Sir John See,	Mr. Collins.
Mr. Pyers,	
Mr. MacMahon,	

Noes, 17.

Mr. Davidson,	Mr. Brunker,
Mr. Moore,	Mr. Dick,
Mr. Cohen,	Mr. Coleman,
Mr. Fleming,	Mr. Winchcombe,
Mr. Lonsdale,	Mr. O'Connor.
Mr. Garland,	<i>Tellers,</i>
Mr. Fallick,	Mr. Levy,
Mr. Broughton,	Mr. J. C. L. Fitzpatrick.
Mr. Gilbert,	
Mr. Nobbs,	

*Words stand*

No. 11.

SAME BILL.

*Same Clause.*

And the clause having been amended as indicated,—

Question put,—That the clause, as amended, stand part of the Bill.

Committee

Committee divided.

Ayes, 23.

Mr. J. F. Smith,	Mr. Thomson,
Mr. Anderson,	Mr. W. F. Hurley,
Mr. Kidd,	Mr. Collins,
Mr. Briner,	Mr. McGowen,
Sir John See,	Mr. Norton,
Mr. Pyers,	Mr. Dacey,
Mr. MacMahon,	Mr. Edden,
Mr. Kelly,	Mr. Bennett.
Mr. Waddell,	<i>Tellers,</i>
Mr. Power,	
Mr. Crick,	Mr. Burgess,
Mr. Perry,	Mr. Scobie.
* Mr. Archibald Campbell,	

Noes, 18.

Mr. Davidson,	Mr. Dick,
Mr. Moore,	Mr. Coleman,
Mr. Cohen,	Mr. Winchcombe.
Mr. Fleming,	<i>Tellers,</i>
Mr. Lonsdale,	
Mr. J. C. L. Fitzpatrick,	Mr. Levy,
Mr. O'Connor,	Mr. Garland.
Mr. Fallick,	
Mr. Broughton,	
Mr. Nobbs,	
Mr. Gilbert,	
* Mr. Archibald Campbell,	
Mr. Brunker,	

\* So in Tellers' Lists.

Clause, as amended, agreed to.

No. 12.

SAME BILL.

Commissioners  
to have power to  
require produc-  
tion of books, &c.

Clause 19. If the Commissioners are not satisfied with any return of land or income furnished by any person, or if they at any time desire further information in respect of any such return, they may "by" notice in writing require such person to produce for the examination of the Commissioners, or any person appointed by them for that purpose, at such place and time as may be appointed by them in that behalf, any book, account, paper, document, writing, instrument or plan that they consider desirable or necessary to enable the true value of the land or the true amount of the income to be ascertained. (*Read.*)

Mr. Crick moved,—That the Honorable Member for Rylstone, Mr. J. C. L. Fitzpatrick, be not further heard,—and Question put.

Committee divided.

Ayes, 21.

Mr. Waddell,	Mr. Pyers,
Mr. Kelly,	Mr. MacMahon,
Mr. Power,	Mr. Edden,
Mr. Crick,	Mr. Norton,
Mr. Burgess,	Mr. W. F. Hurley,
Mr. Perry,	Mr. McGowen,
Mr. Scobie,	Mr. Bennett.
Mr. J. F. Smith,	<i>Tellers,</i>
Mr. Anderson,	
Mr. Kidd,	Mr. Thomson,
Mr. Briner,	Mr. Dacey.
Sir John See,	

Noes, 19.

Mr. Davidson,	Mr. Dick,
Mr. Moore,	Mr. Brunker,
Mr. Cohen,	Mr. Archibald Campbell,
Mr. Levy,	Mr. Winchcombe,
Mr. J. C. L. Fitzpatrick,	Mr. Coleman.
Mr. Lonsdale,	<i>Tellers,</i>
Mr. O'Connor,	
Mr. Garland,	Mr. Collins,
Mr. Fallick,	Mr. Fleming.
Mr. Broughton,	
Mr. Nobbs,	
Mr. Gilbert,	

Agreed to.

No. 13.

SAME BILL.

Same Clause.

Mr. Crick moved—That the Honorable Member for Sherbrooke, Mr. O'Connor, be not further heard,—and Question put.

Committee divided.

Ayes, 21.

Mr. Waddell,	Mr. Perry,
Mr. J. F. Smith,	Mr. W. F. Hurley,
Mr. Anderson,	Mr. McGowen,
Mr. Kidd,	Mr. Bennett,
Mr. Briner,	Mr. Norton,
Sir John See,	Mr. Dacey,
Mr. Pyers,	Mr. Edden.
Mr. MacMahon,	<i>Tellers,</i>
Mr. Kelly,	
Mr. Power,	Mr. Scobie,
Mr. Crick,	Mr. Thomson.
Mr. Burgess,	

Noes, 19.

Mr. Davidson,	Mr. Brunker,
Mr. Moore,	Mr. Archibald Campbell,
Mr. Cohen,	Mr. Coleman,
Mr. Fleming,	Mr. Winchcombe,
Mr. J. C. L. Fitzpatrick,	Mr. Collins.
Mr. Lonsdale,	<i>Tellers,</i>
Mr. O'Connor,	
Mr. Fallick,	Mr. Levy,
Mr. Broughton,	Mr. Garland.
Mr. Gilbert,	
Mr. Dick,	
Mr. Nobbs,	

Agreed to.

No. 14.

SAME BILL.

Same Clause.

Motion made (*Mr. Crick*),—That the Honorable Member for Sydney-Fitzroy Division, Mr. Levy, be not further heard,—and Question put.

Committee divided.

Ayes, 21.

Mr. J. F. Smith,	Mr. Scobie,
Mr. Anderson,	Mr. Thomson,
Mr. Kidd,	Mr. Edden,
Mr. Briner,	Mr. Dacey,
Sir John See,	Mr. Norton,
Mr. Pyers,	Mr. Bennett,
Mr. Waddell,	Mr. McGowen.
Mr. Kelly,	<i>Tellers,</i>
Mr. Power,	
Mr. Crick,	Mr. W. F. Hurley,
Mr. Burgess,	Mr. MacMahon.
Mr. Perry,	

Noes, 19.

Mr. Davidson,	Mr. Nobbs,
Mr. Moore,	Mr. Brunker,
Mr. Cohen,	Mr. Archibald Campbell,
Mr. Fleming,	Mr. Coleman,
Mr. J. C. L. Fitzpatrick,	Mr. Winchcombe.
Mr. Lonsdale,	<i>Tellers,</i>
Mr. O'Connor,	
Mr. Fallick,	Mr. Collins,
Mr. Broughton,	Mr. Lonsdale.
Mr. Gilbert,	
Mr. Dick,	

Agreed to

No. 15.



No. 15.

SAME BILL.

*Same Clause.*

Mr. Crick moved,—That the Honorable Member for Newcastle East, Mr. Dick, be not further heard,—and Question put.

Committee divided.

Ayes, 16.

Mr. J. F. Smith,	Mr. McGowen,
Sir John See,	Mr. Briner.
Mr. MacMahon,	<i>Tellers,</i>
Mr. W. F. Hurley,	Mr. Scobie,
Mr. Waddell,	Mr. Dacey.
Mr. Anderson,	
Mr. Kidd,	
Mr. Kelly,	
Mr. Crick,	
Mr. Perry,	
Mr. Power,	
Mr. Pycers,	

*Negatived.*

Noes, 21.

Mr. Davidson,	Mr. Nobbs,
Mr. Moore,	Mr. Dick,
Mr. Cohen,	Mr. Winchcombe,
Mr. Fleming,	Mr. Archibald Campbell,
Mr. Levy,	Mr. Coleman,
Mr. J. C. L. Fitzpatrick,	Mr. Edden,
Mr. Lonsdale,	Mr. Norton.
Mr. Garland,	<i>Tellers,</i>
Mr. O'Connor,	Mr. Collins,
Mr. Fallick,	Mr. Thomson.
Mr. Broughton,	
Mr. Brunker,	

No. 16.

SAME BILL.

*Same Clause.*

Motion moved (*Mr. Dick*), to leave out all the words after the word "by" in line 3 to the end of the clause.

The Honorable Member for Rylstone, Mr. J. C. L. Fitzpatrick, proceeding to address the Committee on an amendment proposed in the clause,—

*Point of Order.*—That the motion "That the Honorable Member be not further heard" having been agreed to during the consideration of the clause, he could not be now heard on the amendment.

Chairman gave his opinion that the Honorable Member could not address the Committee.

Mr. J. C. L. Fitzpatrick then moved, That the Chairman leave the Chair to report the Point of Order to the House, and ask leave to sit again, so soon as the Point of Order has been decided,—and Question put.

Committee divided.

Ayes, 18.

Mr. Davidson,	Mr. Winchcombe,
Mr. Fleming,	Mr. Nobbs,
Mr. Moore,	Mr. Dick,
Mr. Cohen,	Mr. Archibald Campbell,
Mr. Garland,	Mr. O'Connor.
Mr. Lonsdale,	Mr. Levy.
Mr. Coleman,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	Mr. Edden,
Mr. Broughton,	Mr. Dacey.
Mr. Gilbert,	

*Negatived.*

Noes, 21.

Mr. W. F. Hurley,	Mr. Burgess,
Mr. Perry,	Mr. McGowen,
Sir John See,	Mr. Kidd,
Mr. Waddell,	Mr. Briner,
Mr. Power,	Mr. Collins,
Mr. MacMahon,	Mr. Bennett,
Mr. Scobie,	Mr. J. F. Smith.
Mr. Crick,	<i>Tellers,</i>
Mr. Thomson,	Mr. Kelly,
Mr. Norton,	Mr. Holman.
Mr. Anderson,	
Mr. Pycers,	

No. 17.

SAME BILL.

*Same Clause.*

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 24.

Mr. Kidd,	Mr. McGowen,
Mr. Waddell,	Mr. Burgess,
Sir John See,	Mr. Pycers,
Mr. Perry,	Mr. Kelly,
Mr. Crick,	Mr. Collins,
Mr. Dacey,	Mr. Thomas Fitzpatrick,
Mr. Scobie,	Mr. Briner,
Mr. W. F. Hurley,	Mr. Bennett,
Mr. Donaldson,	Mr. J. F. Smith.
Mr. MacMahon,	<i>Tellers,</i>
Mr. Anderson,	Mr. Power,
Mr. Norton,	Mr. Thomson.
Mr. Holman,	

*Words stand.*

Noes, 19.

Mr. Davidson,	Mr. Winchcombe,
Mr. Moore,	Mr. Gilbert,
Mr. Cohen,	Mr. Broughton,
Mr. Levy,	Mr. Fallick.
Mr. J. C. L. Fitzpatrick,	<i>Tellers,</i>
Mr. Garland,	Mr. Lonsdale,
Mr. O'Connor,	Mr. Fleming.
Mr. Edden,	
Mr. Coleman,	
Mr. Archibald Campbell,	
Mr. Nobbs,	
Mr. Dick,	
Mr. Brunker,	

No. 18.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as read, stand part of the Bill.

Committee

Committee divided.

Ayes, 26.

Mr. Kidd,	Mr. Thomson,
Mr. Waddell,	Mr. Norton,
Sir John See,	Mr. McGowen,
Mr. Perry,	Mr. Edden,
Mr. Crick,	Mr. J. F. Smith,
Mr. Lonsdale,	Mr. Bennett,
Mr. Scobie,	Mr. Burgess,
Mr. W. F. Hurley,	Mr. Holman,
Mr. Donaldson,	Mr. Briner,
Mr. MacMahon,	Mr. Power.
Mr. Pyers,	<i>Tellers,</i>
Mr. Collins,	Mr. Kelly,
Mr. Thomas Fitzpatrick,	Mr. Dacey.
Mr. Anderson,	

Noes, 17.

Mr. Davidson,	Mr. Gilbert,
Mr. Moore,	<i>Tellers,</i>
Mr. Cohen,	Mr. Broughton,
Mr. Fleming,	Mr. Fallick.
Mr. Levy,	
Mr. J. C. L. Fitzpatrick,	
Mr. Garland,	
Mr. O'Connor,	
Mr. Coleman,	
Mr. Archibald Campbell,	
Mr. Nobbs,	
Mr. Dick,	
Mr. Bruncker,	
Mr. Winchcombe,	

Clause, as read, agreed to.

No. 19.

SAME BILL.

Clause 20. In sub-section (II) of section thirty of the Principal Act, the words "or by his agent duly authorised in that behalf" are repealed, and the following substituted in their place,—  
"or, if he be absent from or non resident in the State, by his agent duly authorised in that behalf." (*Read.*)

Question put.—That the clause, as read, stand part of the Bill.  
Committee divided.

Ayes, 23.

Mr. McMahon,	Mr. Norton,
Mr. Kidd,	Mr. Power,
Mr. Waddell,	Mr. Holman,
Sir John See,	Mr. Thomas Fitzpatrick,
Mr. Perry,	Mr. W. F. Hurley,
Mr. Ducey,	Mr. Kelly,
Mr. J. F. Smith,	Mr. Collins,
Mr. Scobie,	Mr. Bennett.
Mr. Donaldson,	<i>Tellers,</i>
Mr. Pyers,	Mr. Burgers,
Mr. Anderson,	Mr. Briner.
Mr. Thomson,	
Mr. McGowen,	

Noes, 18:

Mr. Davidson,	Mr. Bruncker,
Mr. Moore,	Mr. Broughton,
Mr. Cohen,	Mr. Fallick.
Mr. Fleming,	<i>Tellers,</i>
Mr. Levy,	Mr. O'Connor,
Mr. Lonsdale,	Mr. Winchcombe.
Mr. J. C. L. Fitzpatrick,	
Mr. Edden,	
Mr. Gilbert,	
Mr. Archibald Campbell,	
Mr. Dick,	
Mr. Nobbs,	
Mr. Garland,	

Clause, as read, agreed to.

No. 20.

SAME BILL.

Clause 21. (1) The proviso to subsection (II) of section forty-three of the Principal Act is repealed.

(2) Subsection (IV) of the said section is repealed, and the following substituted in place thereof:—

(IV) "If any company fails or neglects within the time required by this Act to nominate its public officer or to fill any vacancy in that office as prescribed, or to appoint a place at which notices or other instruments affecting the company may be served or delivered, such managing director, secretary, or other officer or member of the company as the Commissioners nominate shall be such public officer; and such place as the Commissioners appoint shall be such place as aforesaid for all purposes of this Act until the company has duly nominated another person and place as such public officer and place as aforesaid."

"Any company failing or neglecting to nominate its public officer, fill any vacancy in that office, or appoint a place where notices or other instruments affecting the company may be served or delivered, within the time and in the manner prescribed, shall be liable to a penalty not exceeding fifty pounds for every day during which such failure or neglect continues." (*Read.*)

Question put.—That the clause, as read, stand part of the Bill.  
Committee divided.

Ayes, 27.

Mr. Briner,	Mr. Edden,
Mr. Kidd,	Mr. Cohen,
Mr. Waddell,	Mr. Garland,
Sir John See,	Mr. Collins,
Mr. Perry,	Mr. Bennett,
Mr. Crick,	Mr. Burgess,
Mr. Scobie,	Mr. McGowen,
Mr. Donaldson,	Mr. Power,
Mr. Pyers,	Mr. Norton,
Mr. Anderson,	Mr. Thomson.
Mr. Archibald Campbell,	<i>Tellers,</i>
Mr. Kelly,	Mr. Lonsdale,
Mr. W. F. Hurley,	Mr. Ducey.
Mr. Thomas Fitzpatrick,	
Mr. Holman,	

Noes, 13.

Mr. Davidson,
Mr. Moore,
Mr. J. C. L. Fitzpatrick,
Mr. O'Connor,
Mr. Dick,
Mr. Gilbert,
Mr. Nobbs,
Mr. Bruncker,
Mr. Broughton,
Mr. Fallick,
Mr. Coleman,
<i>Tellers,</i>
Mr. Levy,
Mr. Fleming.

Clause, as read, agreed to.

And the remaining clauses and new clauses having been dealt with,—

On motion of Mr. Waddell, the Chairman left the Chair to report the Bill, with amendments, to the House.

R. W. ROBERTSON,  
Clerk Assistant.

Return to be signed by taxpayer, or, if he be absent, by agent.

If company neglects to nominate, public officer may be nominated by Commissioners.

Penalty for not nominating public officer, &c.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 2.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 29 JULY, 1903.

No. 1.

SUPPLY:—

*(Vote of Credit—Resolution.)*

Mr. Waddell moved,—That the Committee agree to the following Resolution:—

(1.) *Resolved*,—

That there be granted to His Majesty a sum not exceeding “£1,917,631”: being £1,100,000 to defray the expenses of the various Departments and Services of the State during the months of July and August, or following month, of the financial year ending 30th June, 1904, to be expended at the rates which were sanctioned for the financial year ended 30th June, 1903, subject to the rate of any reduction that may hereafter be made in the expenditure of the year 1903-4; and

£817,634 for the following Services:—Legislative Assembly—Salaries: Arrears of Salaries—consequent upon promotions—from 1st February to 30th June, 1903 (Re-vote), £290; Fisheries Department—Towards completion of Fish Pond and Hatchery Buildings at Port Hacking, £1,300; Railways and Tramways—To meet advances for Wages, £150,000; Public Works and Services—Roads and Bridges, and Maintenance of Public Watering Places, £275,000; Harbours and Rivers and Dredge Service, £65,000; Government Architect—Maintenance and Repairs of Public Buildings and Services generally, £20,000; Metropolitan Board of Water Supply and Sewerage—Contingencies—Survey of the Catchment Area of the Sydney Water Supply—Moiety of Cost, £300; Department of Lands—Pastures and Stock Protection Act of 1902—Salaries and Expenses of Stock Branch pending rearrangement, £4,000; Treasurer’s Advance Account—To enable the Treasurer to make Advances to Public Officers, and on account of other Governments, and to pay expenses of an unforeseen nature which will afterwards be submitted for Parliamentary appropriation—the whole amount to be adjusted not later than the 30th June, 1905, £50,000.

In anticipation of Loan Votes—

Colonial Secretary—Sydney Harbour Trust—Double-decked Grain Shed, west side of Darling Island, £10,000; Additions to Sheds and Jetties, Flood’s Wharf, Circular Quay, £7,000. Public Works—Railway Construction—Temora to Wyalong—further sum, £7,818; Gundagai to Tumut—further sum (Re-vote), 36,876; Narrabri to Walgett and Collarendabri—further sum, £35,000. Government Architect—Electric Light Station, Erection—further sum, £1,800; University—Fisher Library, Erection—further sum, £3,000; Crown Law Office, Erection, Electric-Lighting, and Lift—further sum, £1,800. Roads and Bridges—Bridge over the Hawkesbury River at Richmond, £5,000. Harbours and Rivers—Dockyard Extension—Appliances &c., £2,800; Richmond River Improvements—further sum, £1,350; Nambucca River Improvements—further sum, £1,000; Bellinger River Improvements—further sum, £1,000; Macleay River Improvements—

further sum, £3,000; Manning River Improvements—further sum, £6,000; Extra Mooring Accommodation, Newcastle—further sum, £5,000. Water Supply—Sydney Water Supply and Cataract Dam and Improvements—further sum, £45,000; Broken Hill Water Supply—Towards, £10,000; Country Towns Water Supply generally—further sum, £8,000. Sewerage—Country Towns Sewerage and Stormwater Channels generally—£2,000; Metropolitan Sewerage and Stormwater Channels generally, £3,000; Lismore Sewerage, £1,500; Randwick and Kensington Sewerage, £6,000. Hay Sewerage, £6,000; City Low-level Sewerage, £3,000; Mosman Sewerage, £3,000. Metropolitan Board of Water Supply and Sewerage—General Reticulation, £20,000; Re-lining sections Upper and Lower Canal, and additional works necessary between Potts' Hill and Cataract, £7,500; Water Supply Works, Manly, £1,800; Water Supply Works, Wollongong, £500. Hunter District Board of Water Supply and Sewerage—Improvements to Water Supply, Newcastle and Suburbs, £3,000.

Motion made (*Mr. Lee*) to reduce, in line 2, the amount, "£1,917,634," by £100,000.

And the Committee continuing to sit after Midnight,—

THURSDAY, 30 JULY, 1903, A.M.

Question put, "That the amount, £1,917,634, be reduced by £100,000.

Committee divided.

Ayes, 23.

Mr. Carruthers,  
Mr. Mackenzie,  
Mr. Fallick,  
Mr. Nobbs,  
Mr. Hogue,  
Mr. Cohen,  
Mr. Mahony,  
Mr. Garland,  
Mr. Lec,  
Mr. Jessep,  
Mr. Law,  
Mr. J. C. L. Fitzpatrick,  
Mr. Eden George,  
Mr. Phillips,  
Mr. Millard,  
Mr. McCoy,  
Mr. Coleman,  
Mr. Bruncker,  
Mr. Gilbert,  
Mr. John Hurley,  
Mr. Morton.

Tellers,

Mr. Latimer,  
Mr. Oakes.

Noes, 49.

Mr. Bennett,	Mr. Gillies;
Mr. Thomas Fitzpatrick,	Mr. Dacey,
Mr. Fegan,	Mr. Briner,
Mr. Hollis,	Mr. Quirk,
Mr. Williams,	Mr. Thomson,
Mr. O'Sullivan,	Mr. Richards,
Mr. Perry,	Mr. Young,
Mr. Henry Clarke,	Mr. Webster,
Mr. Waddell,	Mr. Gormly,
Mr. Alexander Campbell,	Mr. Pyers,
Mr. W. F. Hurley,	Mr. Brinsley Hall,
Mr. Collins,	Mr. Donaldson,
Mr. Barnes,	Mr. Kidd,
Mr. Evans,	Mr. McGowen,
Mr. Miller,	Mr. McLaurin,
Mr. Archer,	Mr. Sleath,
Mr. McFarlane,	Mr. Burgess,
Mr. MacMahon,	Mr. Estell,
Mr. Davis,	Mr. John Storey,
Mr. T. H. Griffith,	Mr. Nelson,
Mr. Sullivan,	Mr. J. F. Smith.
Mr. Crick,	
Mr. Holman,	Tellers,
Mr. Arthur Griffith,	Mr. Jones,
Mr. Macdonell,	Mr. McNeill.
Mr. Scobie,	

*Reduction negatived.*

*Resolution agreed to.*

On motion of Mr. Waddell, the Chairman left the Chair to report progress, and ask leave to sit again; also to report that the Committee had come to a resolution.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 3.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 11 AUGUST, 1903.

No. 1.

## JUVENILE SMOKING SUPPRESSION BILL:—

Clause 1. Any person, "male or female," actually or apparently under the age of sixteen years, who in any street, lane, thoroughfare, public conveyance, or public place uses or smokes tobacco in any shape or form, or cigars or cigarettes, shall be liable for the first offence to a fine not exceeding *five* shillings or imprisonment for a period not exceeding *four* hours, and for any subsequent offence a fine not exceeding *ten* shillings or imprisonment for a period not exceeding *twenty-four* hours. (Read.)

Motion made (*Mr. Crick*) to leave out from line 1 the words "male or female."

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 13.

Mr. Nobbs,  
Dr. Ross,  
Mr. Daniel O'Connor,  
Mr. Dacey,  
Mr. J. C. L. Fitzpatrick,  
Mr. E. M. Clark,  
Mr. Miller,  
Mr. Ferguson,  
Mr. Arthur Griffith,  
Mr. Brinsley Hall,  
Mr. Briner.

Tellers,

Mr. Levy,  
Mr. Thomson.

Noes, 30.

Mr. Davidson,  
Mr. McCoy,  
Mr. Quinn,  
Mr. Mahony,  
Mr. Moore,  
Sir John See,  
Mr. McLaurin,  
Mr. O'Sullivan,  
Mr. Coleman,  
Mr. Millard,  
Mr. Afleck,  
Mr. Latimer,  
Mr. Anderson,  
Mr. Crick,  
Mr. Neilson,  
Mr. Holman,

Mr. Webster,  
Mr. Jones,  
Mr. Macdonell,  
Mr. Fegan,  
Mr. Estell,  
Mr. Byrne,  
Mr. Nelson,  
Mr. Pyers,  
Mr. Edden,  
Mr. Collins,  
Mr. Sleath,  
Mr. W. F. Hurley.

Tellers,

Mr. Williams,  
Mr. Norton.

Words left out.

No. 2.

No. 2.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as amended, stand part of the Bill.  
Committee divided.

Ayes, 17.

Mr. McCoy,	<i>Tellers,</i>
Mr. Levy,	
Dr. Ross,	Mr. Brinsley Hall,
Mr. Dacey,	Mr. Briner.
Mr. J. C. L. Fitzpatrick,	
Mr. Affleck,	
Mr. Thomson,	
Mr. Daniel O'Connor,	
Mr. Davidson,	
Mr. Sullivan,	
Mr. Fegan,	
Mr. Arthur Griffith,	
Mr. Millard,	
Mr. Ferguson,	
Mr. Miller.	

Noes, 28.

Mr. Coleman,	Mr. Piers,
Mr. Nobbs,	Mr. Nelson,
Mr. Quinn,	Mr. Byrne,
Mr. Mahony,	Mr. Estell,
Mr. Moore,	Mr. Jones,
Mr. O'Sullivan,	Mr. Webster,
Sir John See,	Mr. Holman,
Mr. McLaurin,	Mr. Nielsen,
Mr. Crick,	Mr. Williams,
Mr. Latimer,	Mr. E. M. Clark,
Mr. Anderson,	Mr. Norton.
Mr. W. F. Hurley,	<i>Tellers,</i>
Mr. Sleath,	
Mr. Collies,	Mr. Macdonell,
Mr. Edden,	Mr. MacMahon.

*Clause, as amended, negatived.*

No. 3.

SAME BILL.

Motion made (*Dr. Ross*), That the Chairman leave the Chair, to report progress, and ask leave to sit again To-morrow.

Committee divided.

Ayes, 17.

Mr. Sleath,
Dr. Ross,
Mr. Davidson,
Mr. Affleck,
Mr. Dacey,
Mr. Webster,
Mr. Hogue,
Mr. Miller,
Mr. E. M. Clark,
Mr. Moore,
Mr. Latimer,
Mr. J. C. L. Fitzpatrick,
Mr. Millard,
Mr. Collies,
Mr. Carroll.

*Tellers,*

Mr. Jessop,
Mr. Quinn.

Noes, 32.

Mr. Coleman,	Mr. MacMahon,
Sir John See,	Mr. Arthur Griffith,
Mr. Nobbs,	Mr. Estell,
Mr. Mahony,	Mr. Byrne,
Mr. Daniel O'Connor,	Mr. Nelson,
Mr. Levy,	Mr. Piers,
Mr. McLaurin,	Mr. Edden,
Mr. Crick,	Mr. W. F. Hurley,
Mr. Norton,	Mr. Young,
Mr. Ferguson,	Mr. Holman,
Mr. McCoy,	Mr. Fegan,
Mr. Anderson,	Mr. J. F. Smith,
Mr. Thomson,	Mr. Briner.
Mr. Neilsen,	<i>Tellers,</i>
Mr. Sullivan,	
Mr. Brinsley Hall,	Mr. Williams,
Mr. Macdonell,	Mr. Jones.

*Motion negatived.*

And the remaining clauses of the Bill having been dealt with,—

On motion of Dr. Ross, the Chairman left the Chair to report the Bill, with amendments, to the House.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 4.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 26 AUGUST, 1903.

No. 1.

## CROWN LANDS ACT AMENDMENT BILL:—

Clause 2 having been dealt with—

Clause 3. The holder of—

any homestead selection; or

any settlement lease; or

any original conditional purchase other than the holder of a non-residential conditional purchase

may make application as prescribed, and accompanied by such provisional deposit as may be prescribed, for additional land, to be held by him as an additional holding under the same class of tenure (except that the holder of an original "or additional" conditional purchase may apply for a conditional lease, subject to the limitation of section twenty-six of the Crown Lands Act of 1889), as that under which he holds the land by virtue of which he applies—

- (a) Subject to the provisions of section four of this Act, land shall be available for the purpose of any such application which is available for homestead selection or settlement lease, or conditional purchase or conditional lease, whether specifically set apart for the class of holding applied for or not.
- (b) Not more than one application shall be made by virtue of the same conditional purchase selection or lease, unless and until any previous application or all previous applications under this section have been disposed of, unless the total area applied for (when taken with the area of all conditional purchases or conditional leases of the series) does not exceed the maximum area prescribed by the Principal Acts.
- (c) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease, shall not be a bar to the additional purchase, homestead selection or lease applied for.

All available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, shall first be exhausted, and the lands applied for or allotted shall be, in the opinion of the board, within a reasonable working distance of the land by virtue of which the application is made:

Provided that the board may confirm any application made under the provisions of this section, although all the available land adjoining the original or prior additional purchases or leases of the series, or the original homestead selection or settlement lease, has not been exhausted, if, in the opinion of such board the facts of the case warrant it.

The board may disallow any application if of opinion that the applicant is seeking to take an unfair advantage of the provisions of this section.

Additional  
holdings.

- (d) The board shall inquire into the merits of every application under this section, and may disallow such application or confirm it for such an area and in such a position (whether different from that applied for or not) as such board may **with the consent of the applicant** determine, notwithstanding that the area confirmed may by itself or with the area of the original **conditional purchase, homestead selection or settlement lease, or conditional purchases or leases of the series,** exceed the maximum area prescribed by the Principal Acts.

The board shall not confirm any application under the provisions of this section for any area which shall, together with all other lands held by the applicant under whatever tenure (other than annual tenure), exceed such an area as, in the opinion of the board, is sufficient for the maintenance of his home thereon in average seasons and circumstances.

Where two or more persons simultaneously apply for the same land the board may confirm the application of each or either applicant as to part of the land applied for, and shall, as far as practicable, give preference to the applicant whose land adjoins, or is nearest to, the land applied for, but shall not be compelled to give such preference if of opinion that such applicant is less in need of additional land than an applicant whose land does not adjoin, or is not nearest to, the land applied for.

- (e) Except as hereinafter provided, an application under this section shall not, unless and until confirmed, give the applicant any right to use or occupy the land applied for, nor affect any lease or license under which the land may be held, but every such application shall give the applicant, pending the disposal of his application, a preferent claim to the land over any applicant for any original holding who may simultaneously or subsequently apply for the same land under any provisions of the Principal Acts or section ~~nineteen~~ **seventeen** of this Act. The title to the land included in the simultaneous or subsequent application for the original holding, and the effect of such application, shall in the meantime be suspended.

Upon the confirmation of an application (the effect of which has not been to immediately withdraw the land applied for from any annual lease or occupation license), the land allotted by the board shall be deemed to be withdrawn from any annual lease or occupation license under which it may be held, and the title to the additional purchase selection or to the lease shall thereupon commence.

In the case of an additional conditional purchase or a conditional lease, the area of which (when taken with the area of the purchases and leases of the series) does not exceed the maximum area prescribed by the Principal Acts, the title to the land shall commence from the date of application, if valid, and the application shall withdraw such of the lands therein described as may be available for the purpose from any annual lease or occupation license under which they may be held.

In the case of an additional settlement lease or a conditional lease the rent of the land, if it has not been determined and notified by the Minister prior to the date of application, shall, for the first period of the lease, be determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

In the case of a conditional purchase the price or, in the case of a homestead selection, the capital value of the land shall, if not notified prior to the date of application, be determined in accordance with that section. **The deposit payable on any such conditional purchase shall be ten per centum, and the annual instalments shall be five per centum, of the value of the land as so determined, and every instalment except the first shall be deemed to include interest at the rate of two and one half per centum per annum on the balance of the purchase money. The provisional deposit shall be applied in payment of the deposit of ten per centum, and any excess shall be returned to the applicant; and if the provisional deposit is less than the deposit of ten per centum, the applicant shall pay the amount required to complete the deposit within one month after the value of the land applied for has been determined.**

- (f) The general provisions and conditions of the Principal Acts shall apply to every purchase selection or lease under this section; except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings. The board may ~~prescribe any special conditions to be attached~~ **attach any of the prescribed conditions** to any additional homestead selection or settlement lease. **Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to the passing of this act unless the Local Land Board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control.**
- (g) Original and additional homestead selections or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately.
- (h) The board may impose a penalty for the withdrawal or disallowance of any application by retaining the whole or such portion of the **provisional** deposit money as may after due inquiry seem justifiable, and may at its discretion disqualify such applicant from making any fresh application for a period to be determined by such board.



- (i) The provisions of this section shall not apply to an additional conditional purchase if made out of a conditional lease held before the passing of this Act, but save as aforesaid shall extend to and govern all additional conditional purchases or conditional leases applied for after the passing of this Act;
- (j) Sections twelve and seventeen of the Crown Lands (Amendment) Act, 1899, is are hereby repealed. (*Read.*)

And the clause having been amended as indicated,—

Motion made (*Mr. Davidson*) in line 6 after the words last inserted to insert the words “ or any leasehold other than that from the Crown ”

Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 23.

Mr. Coleman,  
Mr. Mackenzie,  
Mr. Nobbs,  
Mr. Hogue,  
Mr. Davidson,  
Mr. Broughton,  
Mr. Mahony,  
Mr. Carruthers,  
Mr. Archibald Campbell,  
Mr. E. M. Clark,  
Mr. David Storey,  
Mr. McFarlane,  
Mr. Garland,  
Mr. Brinsley Hall,  
Mr. Thomeon,  
Mr. Winchcombe,  
Mr. Moxham,  
Mr. Millard,  
Mr. McCoy,  
Mr. Latimer,  
Mr. Pyers.

*Tellers,*

Mr. Lonsdale,  
Mr. Ferguson.

Noes, 57.

Mr. Fegan,  
Mr. Daniel O'Connor,  
Mr. Morton,  
Mr. Perry,  
Mr. J. C. L. Fitzpatrick,  
Mr. Sullivan,  
Mr. Moore,  
Mr. Eden George,  
Mr. Webster,  
Mr. Wood,  
Mr. Anderson,  
Mr. Gillies,  
Mr. Collins,  
Mr. Donaldson,  
Mr. Henry Clarke,  
Mr. Dight,  
Mr. Evans,  
Mr. McLaurin,  
Mr. Burgess,  
Mr. Briner,  
Mr. Lee,  
Dr. Ross,  
Mr. Quinn,  
Mr. Affleck,  
Mr. Levien,  
Mr. Hollis,  
Mr. Hayes,  
Mr. Brunker,  
Mr. W. F. Hurley,  
Mr. McGowen,

Mr. Quirk,  
Mr. Young,  
Mr. John Storey,  
Mr. Nicholson,  
Mr. Barnes,  
Mr. Byrne,  
Mr. Richards,  
Mr. Law,  
Mr. Macdonell,  
Mr. Nelson,  
Mr. Bennett,  
Mr. J. F. Smith,  
Mr. Gormly,  
Mr. Macdonald,  
Mr. Jones,  
Mr. McNeill,  
Mr. Crick,  
Mr. Davis,  
Mr. Kidd,  
Mr. Scobie,  
Mr. Archer,  
Mr. Estell,  
Mr. Waddell,  
Mr. Phillips,  
Mr. Frank Farnell.

*Tellers,*

Mr. Nielsen,  
Mr. MacMahon.

*Insertion of words negatived.*

And the clause having been further amended as indicated,—

No. 2.

SAME BILL.

*Same Clause.*

Motion made (*Mr. Garland*) to leave out from line 8 the words “ or additional ”

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 45.

Mr. Henry Clarke,  
Mr. Perry,  
Mr. Crick,  
Mr. Fegan,  
Mr. O'Sullivan,  
Mr. Bennett,  
Mr. Nielsen,  
Mr. Evans,  
Mr. Law,  
Mr. Gillies,  
Mr. Ferguson,  
Mr. W. F. Hurley,  
Dr. Ross,  
Mr. Scobie,  
Mr. MacMahon,  
Mr. Jones,  
Mr. John Storey,  
Mr. Miller,  
Mr. McLaurin,  
Mr. Mackenzie,  
Mr. Phillips,  
Mr. Donaldson,  
Mr. Williams,  
Mr. Hawthorne,

Mr. Collins,  
Mr. Pyers,  
Mr. Briner,  
Mr. Barnes,  
Mr. Kidd,  
Mr. Anderson,  
Mr. Young,  
Mr. Dight,  
Mr. Richards,  
Mr. Quirk,  
Mr. Nicholson,  
Mr. Gormly,  
Mr. J. F. Smith,  
Mr. Archibald Campbell,  
Mr. McFarlane,  
Mr. Thomson,  
Mr. Brunker,  
Mr. Davis,  
Mr. McNeill.

*Tellers,*

Mr. Burgess,  
Mr. Lonsdale.

Noes, 25.

Mr. Cohen,  
Mr. Latimer,  
Mr. John Hurley,  
Mr. Wood,  
Mr. Garland,  
Mr. Davidson,  
Mr. Moore,  
Mr. J. C. L. Fitzpatrick,  
Mr. Carruthers,  
Mr. Nobbs,  
Mr. Coleman,  
Mr. Lee,  
Mr. Moxham,  
Mr. Morton,  
Mr. Millard,  
Mr. McCoy,  
Mr. Ashton,  
Mr. Jessep,  
Mr. Webster,  
Mr. D. Macdonell,  
Mr. McGowen,  
Mr. Brinsley Hall,  
Mr. H. Macdonald.

*Tellers,*

Mr. Hollis,  
Mr. Estell.

*Words stand.*

The clause having been further amended as indicated,—

And the Committee continuing to sit after Midnight,—

THURSDAY, 27 AUGUST, 1903, A.M.

No. 3.

SAME BILL.

*Same Clause.*

Motion made (*Mr. Crick*) to insert at end of sub-section (f) the words "Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to the passing of this Act, unless the Local Land Board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control."

Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 52.

Mr. Morton,  
Mr. Davidson,  
Mr. Perry,  
Mr. O'Sullivan,  
Mr. Bennett,  
Mr. Crick,  
Mr. Nielsen,  
Mr. Webster,  
Mr. Evans,  
Mr. Collins,  
Mr. McLaurin,  
Mr. Kidd,  
Mr. Coleman,  
Mr. Nicholson,  
Mr. Gillies,  
Mr. Nobbs,  
Mr. Scobie,  
Mr. Alexander Campbell,

Mr. Miller,  
Mr. Donaldson,  
Mr. Carruthers,  
Mr. Anderson,  
Mr. J. C. L. Fitzpatrick,  
Mr. McFarlane,  
Mr. Thomson,  
Mr. Phillips,  
Mr. Ferguson,  
Mr. Ashton,  
Mr. Brunker,  
Mr. Lee,  
Mr. McMahon,  
Mr. Barnes,  
Mr. W. F. Hurley,  
Mr. Fyers,  
Mr. Richards,  
Mr. Burgess,

Mr. McNeill,  
Mr. Wood,  
Mr. Dight,  
Mr. Hawthorne,  
Mr. Brinsley Hall,  
Mr. Davis,  
Mr. Millard,  
Mr. Lonsdale,  
Mr. J. F. Smith,  
Mr. Gormly,  
Mr. Macdonald,  
Mr. Briuer,  
Mr. Hollis,  
Mr. Fegan.

Tellers,

Mr. Williams,  
Mr. Estell.

Noes, 7.

Mr. Mackenzie,  
Mr. Moxham,  
Mr. Moore,  
Mr. Cohen,  
Mr. Garland.

Tellers,

Mr. Macdonell,  
Mr. Jessep.

*Words inserted.*

And the clause having been further amended as indicated,—

*Clause, as amended, agreed to.*

And clause 4 having been dealt with,—

On motion of Mr. Crick, the Chairman left the Chair to report progress, and ask leave to sit again To-morrow.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 5.

WEEKLY REPORT OF DIVISIONS  
IN  
COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 1 SEPTEMBER, 1903.

No. 1.  
NATIVE ANIMALS PROTECTION BILL:—

Clauses 1 to 7 having been dealt with—  
And the Committee continuing to sit after Midnight—

WEDNESDAY, 2 SEPTEMBER, 1903. A.M.

Clause 8 having been dealt with—

Clause 9. All penalties recovered under this Act shall be "paid"—one-half to the person who in <sup>Disposal of</sup> the opinion of the convicting justices of the peace gave such information as led to the <sup>penalties.</sup> conviction, and one-half to the Zoological Society. (*Read.*) <sup>inserted</sup>

Motion made (*Mr. O'Connor*) to leave out all the words after the word "paid" in line 1 to end of clause, and insert the words "to the Consolidated Revenue Fund," instead thereof.

Question put,—That the words proposed to be left out stand part of the clause.  
Committee divided.

Ayes, 22.

- |                           |                  |
|---------------------------|------------------|
| Mr. Waddell,              | Mr. Wood,        |
| Mr. W. F. Hurley,         | Mr. Winchcombe,  |
| Mr. Kidd,                 | Mr. Davidson,    |
| Sir John See,             | Mr. Briner,      |
| Mr. McLaurin,             | Mr. J. F. Smith. |
| Mr. T. Fitzpatrick,       | <i>Tellers,</i>  |
| Mr. J. C. L. Fitzpatrick, | Mr. Young,       |
| Mr. Anderson,             | Mr. Hollis.      |
| Mr. John Storey,          |                  |
| Mr. Fegan,                |                  |
| Mr. Perry,                |                  |
| Mr. O'Sullivan,           |                  |
| Mr. Alexander Campbell,   |                  |
| Mr. Carruthers,           |                  |
| Mr. Richards,             |                  |

Noes, 13.

- |                    |
|--------------------|
| Mr. Nobbs,         |
| Mr. Fallick,       |
| Mr. Gilbert,       |
| Mr. Mackenzie,     |
| Mr. Millard,       |
| Mr. O'Connor,      |
| Mr. Macdonell,     |
| Mr. Holman,        |
| Mr. Thomson,       |
| Mr. Scobie,        |
| Mr. D. R. Hall.    |
| <i>Tellers,</i>    |
| Mr. Brinsley Hall, |
| Mr. Burgess.       |

Words stand.

Clause, as read, agreed to.

And the remaining clause and the Schedule having been dealt with,—  
On motion of Sir John See the Chairman left the Chair to report the Bill, with amendments, to the House.

WEDNESDAY, 2 SEPTEMBER, 1903.

No. 2.

CROWN LANDS ACT AMENDMENT BILL:—

Mortgagee or judgment creditor may go into possession.

Clause 11. Any mortgagee who has under the powers of the mortgage submitted any homestead selection, or settlement lease, or area consisting of land of both tenures, for sale by public auction, and any execution creditor who has seized under process of any court any such selection, lease, or area, if the mortgagor's or debtor's interest in the land is not then sold to a bona-fide purchaser, may, in the prescribed manner, go into possession of the land, and the condition of residence shall for a period of twelve months after the commencement of such possession, or for such further period as may be approved by the Minister, be deemed to be fulfilled, if a nominee of such mortgagee or creditor, to be approved by the local land board, resides upon the land. The mortgagee or creditor shall, within such period or further period, sell the mortgagor's or debtor's interest in the land to a bona fide purchaser, who thereafter shall be subject to all conditions affecting the original holder, and in default of such sale the holding or holdings shall be forfeited.

Provided that before any person shall take advantage of this section he shall register at the local lands office the total amount of his mortgage or judgment debt, and other particulars as prescribed, and any person may thereafter apply to the Local Land Board to purchase the said holding for the amount of such debt, and the Board may grant such application, and upon payment of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions attaching to such land.

Provided also that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or in the case of an execution creditor, until one year after judgment has been signed.

Provided further that this section shall not in any way abrogate the provisions of section twenty-three of the Crown Lands Act of 1895. (*Read.*)

Motion made (*Mr. Crick*), to add to the clause the words "Provided that before any person shall take advantage of this section he shall register at the local Lands Office the total amount of his mortgage or judgment debt, and other particulars as prescribed, and any person may thereafter apply to the local Land Board to purchase the said holding for the amount of such debt, and the Board may grant such application, and upon payment of the amount then due the applicant shall become the holder of such land free of such debt, but subject to all unfulfilled conditions attaching to such land."

"Provided also that no mortgagee or judgment creditor shall take proceedings hereunder until two years after the passing of this Act, and no such proceedings shall hereafter be taken unless the mortgagor has been in default for one year, or, in the case of an execution creditor, until one year after judgment has been signed."

Question put,—That words proposed to be added be so added.

Committee divided.

Ayes, 63.

Mr. W. F. Hurley,  
Sir John See,  
Mr. Henry Clarke,  
Mr. Cullin,  
Mr. O'Sullivan,  
Mr. Webster,  
Mr. Crick,  
Mr. Scobie,  
Mr. Byrne,  
Mr. Ferguson,  
Mr. Hayes,  
Mr. Evans,  
Mr. Coleman,  
Dr. Ross,  
Mr. Raymond,  
Mr. D. R. Hall,  
Mr. Jones,  
Mr. Kidd,  
Mr. Fleming,  
Mr. Macdonald,  
Mr. Jessep,  
Mr. Fegan,

Mr. Per. y,  
Mr. Levy,  
Mr. Haynes,  
Mr. Davidson,  
Mr. Morton,  
Mr. Afleck,  
Mr. Wood,  
Mr. Garland,  
Mr. Ashton,  
Mr. McLaurin,  
Mr. Fyers,  
Mr. McMahon,  
Mr. Barnes,  
Mr. Levien,  
Mr. Young,  
Mr. Brinsley Hall,  
Mr. Gormly,  
Mr. Bruncker,  
Mr. McCoy,  
Mr. Nobbs,  
Mr. Davis,  
Mr. Moore,

Mr. Quinn,  
Mr. Hollis,  
Mr. McFarlane,  
Mr. John Storey,  
Mr. Meagher,  
Mr. Hawthorne,  
Mr. Dick,  
Mr. J. F. Smith,  
Mr. Donaldson,  
Mr. Millard,  
Mr. Archibald Campbell,  
Mr. Phillips,  
Mr. Anderson,  
Mr. Fallick,  
Mr. Carroll,  
Mr. Lee,  
Mr. Carruthers.

*Tellers,*

Mr. Rose,  
Mr. Gillies.

Noes, 12.

Mr. J. Hurley,  
Mr. Mackenzie,  
Mr. Burgess,  
Mr. Nielsen,  
Mr. McGowen,  
Mr. Dacey,  
Mr. Macdonell,  
Mr. Estell,  
Mr. Gilbert,  
Mr. Latimer,

*Tellers,*

Mr. Briner,  
Mr. J. C. L. Fitzpatrick,

*Words added.*

And the clause having been further amended as indicated,—

Question put,—That the clause, as amended, stand part of the Bill.

Committee

## Committee divided.

Mr. Quinn,  
Sir John See,  
Mr. Henry Clarke,  
Mr. Collins,  
Mr. Fegan,  
Mr. Webster,  
Mr. Crick,  
Mr. Scobie,  
Mr. Byrne,  
Mr. Evans,  
Mr. O'Sullivan,  
Mr. Garland,  
Mr. Coleman,  
Mr. John Storey,  
Mr. D. R. Hall,  
Dr. Ross,  
Mr. Williams,  
Mr. Reymond,  
Mr. Perry,  
Mr. Jones,  
Mr. W. F. Hurley,

## Ayes, 58.

Mr. Archibald Campbell, Mr. Haynes,  
Mr. Kidd, Mr. McCoy,  
Mr. Macdonald, Mr. Hollis,  
Mr. Gillies, Mr. Carruthers,  
Mr. Bruner, Mr. Ferguson,  
Mr. Afleck, Mr. Nobbs,  
Mr. McFarlane, Mr. Leven,  
Mr. Davidson, Mr. Meagher,  
Mr. Rose, Mr. Hawthorne,  
Mr. Anderson, Mr. J. F. Smith,  
Mr. Davis, Mr. Millard,  
Mr. Donaldson, Mr. Phillips,  
Mr. McLaurin, Mr. Fleming,  
Mr. Pyers, Mr. Lee,  
Mr. MacMahon, Mr. Levy,  
Mr. Richards, Mr. Morton.  
Mr. Barnea,  
Mr. Thomson,  
Mr. Young,  
Mr. Gormly,  
Mr. Brinsley Hall,

## Noes, 19.

Mr. Fallick,  
Mr. Moore,  
Mr. Wood,  
Mr. Gilbert,  
Mr. J. C. L. Fitzpatrick,  
Mr. D. Macdonell,  
Mr. Estell,  
Mr. McGowen,  
Mr. Jessep,  
Mr. Briner,  
Mr. John Hurley,  
Mr. Latimer,  
Mr. E. M. Clark,  
Mr. Dick,  
Mr. Ashton,  
Mr. Mackenzie,  
Mr. Dacey,  
  
Tellers,  
Mr. Burgess,  
Mr. Nielson,

Clause, as amended, agreed to.

And clauses 12 and 13 having been dealt with,—

No. 4.

## SAME BILL.

Clause 14. The Minister may, at any time, suspend <sup>Suspension of</sup> defer the payment of any amount due, or <sup>payments.</sup> to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any period not exceeding ten five years. Any payment so suspended deferred shall bear interest at the rate of five per centum per annum from the date it became due until it is paid; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section, and may suspend payment both of the principal and interest for such a period and subject to such conditions as he may determine. Nothing in this section shall prevent the payment of any amount before it becomes due. (Read.)

And the Committee continuing to sit after Midnight,—

*THURSDAY, 3 SEPTEMBER, 1903, A.M.*

And the clause having been amended as indicated,—

Motion made (Mr. Briner) to leave out, from line 3, the word "ten" and insert the word "five" instead thereof.

Question put,—That the word proposed to be left out stand part of the clause.

Committee divided.

## Ayes, 12.

Mr. Macdonell,  
Mr. Webster,  
Mr. Collins,  
Mr. Donaldson,  
Mr. Macdonald,  
Mr. Scobie,  
Mr. Jones,  
Mr. D. R. Hall,  
Mr. Richards,  
Mr. Carroll,  
  
Tellers,  
Mr. Williams,  
Mr. Hollis.

## Noes, 42.

Mr. Lee,  
Mr. Jessep,  
Mr. Nobbs,  
Mr. Wood,  
Mr. Carruthers,  
Mr. Moore,  
Mr. Fleming,  
Mr. Phillips,  
Mr. Lonsdale,  
Mr. Garland,  
Mr. Morton,  
Mr. Coleman,  
Mr. Davidson,  
Mr. Ashton,  
Mr. Rose,  
  
Mr. Perry,  
Mr. Crick,  
Mr. W. F. Hurley,  
Mr. McLaurin,  
Mr. Millard,  
Mr. Bruner,  
Mr. Waddell,  
Mr. Evans,  
Mr. J. C. L. Fitzpatrick,  
Mr. Anderson,  
Mr. Ferguson,  
Mr. O'Sullivan,  
Mr. Burgess,  
Mr. Estell,  
Mr. Brinsley Hall,  
  
Mr. Gormly,  
Mr. Barnea,  
Mr. Miller,  
Mr. Davis,  
Mr. J. F. Smith,  
Mr. MacMahon,  
Mr. Pyers,  
Mr. Kidd,  
Mr. McFarlane,  
Mr. Thomson,  
  
Tellers,  
Mr. Briner,  
Mr. Nielsen.

Word left out.

And the word "five" having been inserted, and the clause further amended as indicated,—

Clause, as amended, agreed to.

And clauses 15 to 17 having been dealt with,—

On motion of Mr. Crick, the Chairman left the Chair, to report progress, and ask leave to sit again To-morrow.

*THURSDAY,*

THURSDAY, 3 SEPTEMBER, 1903.

No. 5.

## CROWN LANDS ACT (AMENDMENT) BILL:—

Holdings by  
members of a  
family.

Clause 18. In any case where adjoining land or lands which are separated only by roads or watercourses two or more holdings situated within working distance are held either under conditional purchase, whether fully paid up or otherwise, conditional lease, homestead selection, or settlement lease by members of one family in the relation of parent or parents and child or children, bona fide in their own separate interests, any condition of residence required to be performed by them in respect of their holdings shall be deemed to have been duly performed if such residence is carried out on any portion of the lands so held. Provided that the consent of the Local Land Board shall have been obtained in the prescribed manner. (*Read.*)

Motion made (Mr. Crick) to leave out from lines 1 and 2 the words "adjoining land or lands which are "separated only by roads or watercourses" and insert the words "two or more "holdings situated within working distance" instead thereof.

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 10.

Mr. Webster,  
Mr. Nielsen,  
Mr. Burgess,  
Mr. Arthur Griffith,  
Mr. Daniel O'Connor,  
Mr. Estell,  
Mr. McLaurin,  
Mr. Briner.

Tellers,

Mr. Dacey,  
Mr. Macdonell.

Noes, 58.

Mr. Lee,  
Mr. Nobbs,  
Mr. Morton,  
Mr. J. C. L. Fitzpatrick,  
Mr. Frank Farnell,  
Mr. Waddell,  
Mr. Carruthers,  
Mr. Haynes,  
Mr. Wood,  
Mr. Jessep,  
Mr. Fleming,  
Mr. Hogue,  
Mr. Rose,  
Mr. Phillips,  
Mr. Winchcombe,  
Mr. Coleman,  
Dr. Ross,  
Mr. Millard,  
Mr. Affleck,  
Mr. Davidson,

Mr. Moxham,  
Mr. Brunker,  
Mr. Oakes,  
Mr. Henry Clarke,  
Mr. Eden George,  
Mr. Law,  
Mr. Crick,  
Mr. Byrne,  
Mr. Hayes,  
Mr. McFarlane,  
Mr. Kidd,  
Mr. Latimer,  
Mr. Mackenzie,  
Mr. Archibald Campbell,  
Mr. Quinn,  
Mr. W. F. Hurley,  
Mr. Nicholson,  
Mr. T. H. Griffith,  
Mr. Pyers,  
Mr. Levien,

Mr. MacMahon,  
Mr. Collins,  
Mr. Macdonald,  
Mr. J. F. Smith,  
Mr. Gormly,  
Mr. Thomson,  
Mr. Young,  
Mr. Raymond,  
Mr. O'Sullivan,  
Mr. Scobie,  
Mr. Carroll,  
Mr. John Storey,  
Mr. D. R. Hall,  
Mr. Moore,  
Mr. Ashton,  
Mr. O'Connor,

Tellers,

Mr. Evans,  
Mr. Jones.

Words left out.

And the words proposed to be inserted having been inserted, and the clause having been further amended as indicated.

No. 6.

## SAME BILL.

## Same Clause.

Motion made (Mr. Moore) to further amend the clause by adding to end thereof after the words "last added, the words "Provided further that in any case where it shall appear to the Board "that the area of any one of such holdings is more than sufficient to maintain the holder (in "accordance with the policy of this Act) such residence shall be subject to the approval of "the Minister on the recommendation of the Board."

Question put,—That the words proposed to be added be so added.

Committee divided.

Ayes, 30.

Mr. Ashton,  
Mr. Davidson,  
Mr. Wood,  
Mr. Macdonell,  
Mr. Jones,  
Mr. Webster,  
Mr. Arthur Griffith,  
Mr. Moore,  
Mr. Nobbs,  
Mr. Oakes,  
Mr. Coleman,  
Mr. Moxham,  
Mr. Nielsen,  
Mr. John Storey,  
Mr. Hollis,  
Mr. Macdonald,  
Mr. Lonsdale,  
Mr. MacMahon,  
Mr. Burgess,  
Mr. McGowen,  
Mr. Brunker,

Mr. Mackenzie,  
Mr. Collins,  
Mr. Fleming,  
Mr. Daniel O'Connor,  
Mr. Hogue,  
Mr. Lee,  
Mr. Carroll.

Tellers,

Mr. D. R. Hall,  
Mr. Latimer.

Noes, 39.

Mr. O'Sullivan,  
Mr. Morton,  
Mr. Haynes,  
Mr. Law,  
Mr. Carruthers,  
Mr. J. C. L. Fitzpatrick,  
Mr. Crick,  
Mr. Ferguson,  
Mr. Frank Farnell,  
Mr. Evans,  
Mr. Pyers,  
Dr. Ross,  
Mr. Barnes,  
Mr. Quinn,  
Mr. W. F. Hurley,  
Mr. Williams,  
Mr. Thomson,  
Mr. Byrne,  
Mr. Rose,  
Mr. Donaldson,  
Mr. Raymond,

Mr. Anderson,  
Mr. Fegan,  
Mr. Miller,  
Mr. Alexander Campbell,  
Mr. Young,  
Mr. Nicholson,  
Mr. Richards,  
Mr. Scobie,  
Mr. Levien,  
Mr. Kidd,  
Mr. McFarlane,  
Mr. Henry Clarke,  
Mr. Briner,  
Mr. McLaurin,  
Mr. Brinsley Hall,  
Mr. J. F. Smith.

Tellers,

Mr. Phillips,  
Mr. Gillies.

Addition of words negatived.

No.

No. 7.

SAME BILL.

*Same clause.*

Motion made (*Mr. Nielsen*) to further amend the clause by adding to end thereof after the words last added the words "and no application under this section shall be approved if the holder of each or any of the holdings concerned has more than a sufficient area to maintain his home."

Question put,—That the words proposed to be added be so added.

Committee divided.

Ayes, 31.

Mr. Ashton,	Mr. Nielsen,
Mr. Hogue,	Mr. John Storey,
Mr. Davidson,	Mr. Hollis,
Mr. Wood,	Mr. Lonsdale,
Mr. Macdonell,	Mr. Macdonald,
Mr. Jones,	Mr. MacMahon,
Mr. Webster,	Mr. Burgess,
Mr. Arthur Griffith,	Mr. D. R. Hall,
Mr. Moore,	Mr. McGowen.
Mr. Nobbs,	<i>Tellers,</i>
Mr. Oakes,	Mr. Richards,
Mr. Brunker,	Mr. Carroll.
Mr. Latimer,	
Mr. Daniel O'Connor,	
Mr. Collins,	
Mr. Lee,	
Mr. Mackenzie,	
Mr. Coleman,	
Mr. Moxham,	
Mr. Fleming,	

Noes, 38.

Mr. Morton,	Mr. Donaldson,
Mr. Haynes,	Mr. Henry Clarke,
Mr. Law,	Mr. Anderson,
Mr. Carruthers,	Mr. Fegan,
Mr. Frank Farnell,	Mr. Miller,
Mr. J. C. L. Fitzpatrick,	Mr. Alexander Campbell,
Mr. Ferguson,	Mr. Young,
Mr. Crick,	Mr. Nicholson,
Mr. Evans,	Mr. Scobie,
Dr. Ross,	Mr. Levien,
Mr. Barnes,	Mr. McFarlane,
Mr. W. F. Hurley,	Mr. Kidd,
Mr. O'Sullivan,	Mr. J. F. Smith,
Mr. Quinn,	Mr. Brinsley Hall,
Mr. Pyers,	Mr. Reymond,
Mr. Gillies,	Mr. McLaurin.
Mr. Thomson,	<i>Tellers,</i>
Mr. Byrne,	Mr. Williams,
Mr. Phillips,	Mr. Briner.
Mr. Rose,	

*Addition of words negatived.*

No. 8.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 37.

Mr. Fegan,	Mr. Miller,
Mr. Anderson,	Mr. Phillips,
Mr. Barnes,	Mr. Ferguson,
Mr. Evans,	Mr. Briner,
Mr. Frank Farnell,	Mr. Pyers,
Mr. O'Sullivan,	Mr. Henry Clarke,
Mr. Arthur Griffith,	Mr. Kidd,
Mr. Crick,	Mr. Levien,
Mr. Webster,	Mr. Young,
Mr. Haynes,	Mr. McLaurin,
Dr. Ross,	Mr. MacFarlane,
Mr. W. F. Hurley,	Mr. Scobie,
Mr. Alexander Campbell,	Mr. Brinsley Hall,
Mr. Morton,	Mr. J. F. Smith,
Mr. Gillies,	Mr. Reymond.
Mr. Williams,	<i>Tellers,</i>
Mr. Byrne,	Mr. Quinn,
Mr. Rose,	Mr. Donaldson.
Mr. Carruthers,	
Mr. Thomson,	

Noes, 30.

Mr. Ailton,	Mr. Moxham,
Mr. Wood,	Mr. Brunker,
Mr. Lee,	Mr. Latimer,
Mr. Davidson,	Mr. John Storey,
Mr. Law,	Mr. Jones,
Mr. Moore,	Mr. Burgess,
Mr. Nobbs,	Mr. Nicholson,
Mr. D. R. Hall,	Mr. Carroll.
Mr. McGowen,	<i>Tellers,</i>
Mr. Macdonell,	Mr. Daniel O'Connor,
Mr. Lonsdale,	Mr. Macdonell,
Mr. Oakes,	Mr. MacMahon.
Mr. Hollis,	
Mr. Nielsen,	
Mr. Collins,	
Mr. Hogue,	
Mr. Coleman,	
Mr. Fleming,	
Mr. Mackenzie,	

*Clause, as amended, agreed to.*

And clauses 19 and 20 having been dealt with,—

And the Committee continuing to sit after midnight,—

FRIDAY, 4 SEPTEMBER, 1903, A.M.

Clauses 21 and 22 having been dealt with,—

No. 9.

SAME BILL.

Clause 23. Section sixty-one of the Crown Lands Act of 1884 is hereby amended by the substitution of the words "one month" for the words "two months nor more than three months" and by the substitution of the words "other lands fifteen shillings" for the words "other lands one pound five shillings." Sales by auction and after auction, selections.

The provisions of the Crown Lands (Auction Sales Balances) Act, 1887, and of section fifty-six of the Crown Lands Act, 1895, are hereby extended to any portion of country lands of a less area than forty acres. (*Read.*)

Motion made (*Mr. Crick*), after the word "months," in line 3, to insert the words "and by the substitution of the words 'other lands fifteen shillings' for the words 'other lands one pound five shillings.'"

Question put,—That the words proposed to be inserted be so inserted.

242—B

(Committee

Committee divided.

Ayes, 34.

Dr. Ross,	Mr. Donaldson,
Mr. O'Sullivan,	Mr. McLaurin,
Mr. W. F. Hurley,	Mr. Briner,
Mr. Richards,	Mr. Burgess,
Mr. Fegan,	Mr. McGowen,
Mr. Crick,	Mr. Barnes,
Mr. Scobie,	Mr. Pyers,
Mr. MacMahon,	Mr. Evans,
Mr. J. F. Smith,	Mr. Kidd,
Mr. Alex. Campbell,	Mr. Anderson,
Mr. Nielsen,	Mr. Miller,
Mr. Macdonell,	Mr. Millard,
Mr. Estell,	Mr. John Storey,
Mr. Gillies,	Mr. Jones.
Mr. Hollis,	<i>Tellers,</i>
Mr. D. R. Hall,	Mr. Webster,
Mr. Brinsley Hall,	Mr. Thomson.
Mr. Collins,	

Noes, 20.

Mr. Davidson,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Lonsdale,
Mr. Lee,	Mr. Phillips.
Mr. Carruthers,	
Mr. Wood,	
Mr. Ashton,	
Mr. J. C. L. Fitzpatrick,	
Mr. Coleman,	
Mr. Carroll,	
Mr. Bruncker,	
Mr. Moxham,	
Mr. Ferguson,	
Mr. Morton,	
Mr. McCre,	
Mr. Daniel O'Connor,	
Mr. Rose,	
Mr. Gormly,	
Mr. Fleming.	

*Words inserted.*

*Clause, as amended, agreed to.*

No. 10.

SAME BILL.

Conversion of  
settlement  
leases into  
homestead  
selections.

Clause 24. The holder of any settlement lease which is not at the time of application hereunder liable to forfeiture, may at any time after the expiration of the first five years of the lease apply in the prescribed manner, subject to the provisions of section twenty-seven of the Crown Lands Act, 1895, for an area not exceeding one thousand two hundred and eighty acres of the land comprised under such lease as a homestead grant, and the board may allow such application in whole or in part, if they find that the applicant is deserving of such grant, and the Governor may issue the same.

In all such cases the remaining area of such settlement lease may be held at a proportionate part of the rental thereof.

A refund of the rental shall not be granted until after the execution of the homestead grant, and, when granted, shall be calculated from the date of such execution. The condition of residence attached to the settlement lease and to the homestead selection may be fulfilled for both holdings conjointly either on the land held under homestead selection or on the land held under settlement lease, so long as both such selection and lease are held in the same interest.

The value of the land taken under homestead selection shall be determined by appraisalment in accordance with the provisions of section six of the Crown Lands Act, 1889. (*Read.*)

And the clause having been amended as indicated,—

Question put.—That the clause, as amended, stand part of the Bill.

Committee divided.

Ayes, 38.

Dr. Ross,	Mr. Miller,
Mr. W. F. Hurley,	Mr. Richards,
Mr. O'Sullivan,	Mr. Kidd,
Mr. Fegan,	Mr. Evans,
Mr. Crick,	Mr. Barnes,
Mr. Webster,	Mr. Burgess,
Mr. Macdonell,	Mr. McGowen,
Mr. Scobie,	Mr. Briner,
Mr. Moore,	Mr. Ferguson,
Mr. MacMahon,	Mr. Donaldson,
Mr. J. F. Smith,	Mr. Brinsley Hall,
Mr. Alexander Campbell,	Mr. J. Storey,
Mr. Nielsen,	Mr. Estell,
Mr. Pyers,	Mr. Gormly,
Mr. Anderson,	Mr. Millard,
Mr. Collins,	Mr. Jones.
Mr. Phillips,	<i>Tellers,</i>
Mr. D. R. Hall,	Mr. Hollis,
Mr. Thomson,	Mr. Gillics.
Mr. McLaurin,	

Noes, 16.

Mr. Davidson,
Mr. Nobbs,
Mr. Wood,
Mr. Lonsdale,
Mr. Lee,
Mr. Carruthers,
Mr. Ashton,
Mr. J. C. L. Fitzpatrick,
Mr. Daniel O'Connor,
Mr. Rose,
Mr. Moxham,
Mr. Bruncker,
Mr. Carroll,
Mr. Coleman.
<i>Tellers,</i>
Mr. Fleming,
Mr. Morton.

*Clause, as amended, agreed to.*

On motion of Mr. Crick, the Chairman left the Chair to report progress, and ask leave to sit again on Tuesday next.

R. W. ROBERTSON,  
Clerk Assistant.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 6.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES)*

TUESDAY, 8 SEPTEMBER, 1903.

No. 1.

## CROWN LANDS ACT (AMENDMENT) BILL:—

Postponed Clause 17. The registered holder, or person entitled to the equity of redemption of any pastoral lease, preferential occupation license, or occupation license, in the Central Division, may apply for a lease of an area not exceeding "one-third of the total area of the land" comprised within the lease or license or lease and license at the date of expiration of the pastoral lease, and the "Minister" may grant such application either wholly or in part, or in such modified form and on such conditions (after inquiry and report by the local land board as to such conditions) and for such term and subject to such rental as he may deem fit. Pastoral lessee may apply for lease.

No such lease shall have a longer term than twenty-eight years.

No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting of the same or otherwise within one month after the commencement of the next ensuing session. shall thereupon refer such application to the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living area to add to their holding.

The Governor may, upon a report from the Board recommending such lease, grant such application, either wholly or in part, for a period not exceeding twenty-eight years, subject to the rent, conditions of improvement, and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

A return of every such lease granted shall be laid before Parliament if in session within one month from date of the granting of the same or otherwise within one month after the commencement of the next ensuing session.

No extension of any such lease or license held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect or cause to be inspected on his behalf all or any books of account, mortgages, deeds, securities, conveyances, agreements, or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall

shall have the effect of discharging the mortgage debt in connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement, and all parties thereto shall be bound by such agreement: Provided that the area which may be granted under the provisions of this section shall be inclusive of all lands previously granted on such holding to the applicant under improvement lease conditions.

Any lease under this section shall be deemed to be a lease for pastoral purposes within the meaning of the Acts relating to mining. (*Read.*)

And the clause having been amended as indicated,—

Motion made (*Mr. Rose*) to leave out from lines 3 and 4 the words "one-third of the total area of the land" and insert the words, "an area sufficient to maintain a home thereon" instead thereof.

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 61.			Noes, 7.
Mr. Davis,	Mr. Brinsley Hall,	Mr. Carroll,	Mr. Mahony,
Mr. W. F. Hurley,	Mr. Young,	Mr. Nicholson,	Mr. Moxham,
Mr. Nielsen,	Mr. Dick,	Mr. Phillips,	Mr. Daniel O'Connor,
Mr. John Storey,	Mr. Edden,	Mr. McFarlane,	Mr. Moore,
Mr. Dacey,	Mr. Meagher,	Mr. J. F. Smith,	Mr. Rose.
Mr. Nobbs,	Mr. Morton,	Mr. Millard,	<i>Tellers,</i>
Mr. Barnes,	Mr. Estell,	Mr. Davidson,	Mr. Webster,
Mr. Macdonald,	Mr. Holman,	Mr. Cohen,	Mr. Gilbert.
Mr. Fegan,	Mr. Levy,	Mr. Gormly,	
Mr. Kidd,	Mr. Ferguson,	Mr. Collins,	
Mr. O'Sullivan,	Mr. Ashton,	Mr. McLaurin,	
Mr. Macdonell,	Mr. Dight,	Mr. Lec,	
Mr. Crick,	Mr. Hollis,	Mr. Sleath,	
Mr. Briner,	Mr. Fallick,	Mr. Carruthers,	
Mr. Jones,	Mr. Bennett,	Mr. D. R. Hall,	
Mr. J. C. L. Fitzpatrick,	Mr. McCoy,	Mr. Garland,	
Mr. Brunker,	Mr. McGowen,	Mr. O'Coror.	
Mr. MacMahon,	Mr. Mackenzie,	<i>Tellers,</i>	
Mr. Pyers,	Mr. Thomson,	Mr. Coleman,	
Mr. Alexander Campbell,	Mr. Fleming,	Mr. McNeill.	
Mr. Anderson,	Mr. Daley,		

*Words stand.*

## No. 2.

*SAME BILL.*

*Same Clause.*

Motion made (*Mr. Crick*) to leave out all the words after the word "Minister," in line 5, to the end of the clause, and insert the words, "shall thereupon refer such application to the local land board for report as to the area of and class of all leases held by the applicant or on his behalf, and as to whether the whole or any part of the land comprised in such application is suitable for closer settlement or to enable present holders not having a living area to add to their holding.

"The Governor may, upon a report from the Board recommending such lease, grant such application, either wholly or in part, for 'a period not exceeding twenty-eight years,' subject to the rent conditions of improvement and withdrawal for settlement named in such reference, or such other rent and conditions as the Governor may determine.

"No lease shall be granted under this section of any land in respect of which an earlier or simultaneous application under section three of this Act is pending.

"A return of every such lease granted shall be laid before Parliament, if in session, within one month from date of the granting of the same or otherwise within one month after the commencement of the next ensuing session.

"No extension of any such lease or license, held by way of mortgage on or since the first day of January, one thousand nine hundred and three, shall be granted unless and until a common agreement shall have been arrived at between the mortgagor, the mortgagee, and the Minister as to any adjustment or otherwise of the mortgage debt, and as to the terms and conditions to be entered into by such mortgagor and mortgagee in respect of such debt; and for the purposes of this section the Minister shall be entitled to inspect, or cause to be inspected on his behalf, all or any books of account, mortgages, deeds, securities, conveyances, agreements, or any documents or instruments relating to the said debt or the security therefor. The acceptance of any such extended leases by any mortgagee and mortgagor shall have the effect of discharging the mortgage debt in connection with such lease or other security worked in conjunction therewith to the extent determined upon in the common agreement referred to. The mortgages and other instruments by which the repayment of the debt is secured shall have endorsed thereon the particulars of such agreement, and all parties thereto shall be bound by such agreement," instead thereof.

Motion made (*Mr. Wood*), in line 8 of the proposed amendment to leave out the words "a period not exceeding twenty-eight years" and insert the words "such period as the Board may recommend not exceeding fifteen years," instead thereof.

Question

Question put,—That the words proposed to be left out stand part of the proposed amendment.  
Committee divided.

Ayes, 36.

Mr. Ashton,	Mr. MacMahon,
Mr. Fegan,	Mr. Thomson,
Mr. Bennett,	Mr. Nicholson,
Mr. Macdonald,	Mr. Jones,
Mr. Nielsen,	Mr. Miller,
Mr. Crick,	Mr. Briner,
Mr. Anderson,	Mr. Dight,
Mr. Scobie,	Mr. Kidd,
Mr. Evans,	Mr. McGowen,
Mr. W. F. Hurley,	Mr. J. F. Smith,
Mr. Dacey,	Mr. Edden,
Mr. Barnes,	Mr. O'Sullivan,
Mr. Macdonald,	Mr. Estell,
Mr. Holman,	Mr. McNeil,
Mr. Davis,	Mr. John Storey.
Mr. Brinsley Hall,	
Mr. McFarlane,	<i>Tellers,</i>
Mr. Alexander Campbell,	Mr. Hollis,
Mr. Pyers,	Mr. Clara.

Noes, 35.

Mr. Davidson,	Mr. Fleming,
Mr. Mackenzie,	Mr. Carroll,
Mr. Mabony,	Mr. Morton,
Mr. Hogue,	Mr. J. C. L. Fitzpatrick,
Mr. Moore,	Mr. Daniel O'Connor,
Mr. Phillips,	Mr. Ferguson,
Mr. Wood,	Mr. Slcath,
Mr. Webster,	Mr. Garland,
Mr. Carruthers,	Mr. D. R. Hall,
Mr. Lee,	Mr. Gornly,
Mr. Levy,	Mr. Gilbert,
Mr. Cohen,	Mr. O'Connor,
Mr. Fallick,	Mr. Dick,
Mr. Moxham,	Mr. Collins.
Mr. McCoy,	<i>Tellers,</i>
Mr. Brunker,	Mr. McLaurin,
Mr. Millard,	Mr. Nobbs.
Mr. Coleman,	
Mr. Rose,	

*Words stand.*

And the original amendment having been agreed to and the clause further amended as indicated,—  
And the Committee continuing to sit after Midnight—

WEDNESDAY, 9 SEPTEMBER, 1903. A.M.

No. 3.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as amended, stand part of the Bill.  
Committee divided.

Ayes, 50.

Mr. Scobie,	Mr. Lee,
Mr. Miller,	Mr. Carruthers,
Mr. Bennett,	Mr. Ashton,
Mr. Macdonald,	Mr. Levy,
Mr. Crick,	Mr. Phillips,
Mr. Nielsen,	Mr. Ferguson,
Mr. O'Sullivan,	Mr. Kidd,
Mr. Slcath,	Mr. Brinsley Hall,
Mr. Clara,	Mr. McFarlane,
Mr. D. R. Hall,	Mr. Alexander Campbell,
Mr. Holman,	Mr. Pyers,
Mr. McGowen,	Mr. MacMahon,
Mr. Dacey,	Mr. Thomson,
Mr. John Storey,	Mr. Nicholson,
Mr. W. F. Hurley,	Mr. McNeil,
Mr. Barnes,	Mr. Estell,
Mr. Evans,	Mr. Jones,
Mr. Anderson,	Mr. Collins,
Mr. Fegan,	Mr. Brunker,
Mr. Davis,	Mr. J. C. L. Fitzpatrick,
Mr. Dight,	Mr. O'Connor,

Noes, 19.

Mr. Mackenzie,
Mr. Mabony,
Mr. Hogue,
Mr. Moore,
Mr. Wood,
Mr. Nobbs,
Mr. Daniel O'Connor,
Mr. Gornly,
Mr. Millard,
Mr. Carroll,
Mr. Rose,
Mr. McCoy,
Mr. Coleman,
Mr. Fallick,
Mr. Moxham,
Mr. Cohen,
Mr. Davidson.
<i>Tellers,</i>
Mr. Webster,
Mr. Garland.

*Clause, as amended, agreed to.*

And postponed clause 22 and several new clauses having been dealt with,—

No. 4.

SAME BILL.

Mr. Crick brought up new clause to follow new clause 28 last inserted.

The holder of any original conditional purchase which has been converted into a freehold and the area of which is not less than forty acres and in the opinion of the local land board is not sufficient to maintain his family may, if he is at the time of has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits apply under and subject to the provisions of section three for an additional conditional purchase or conditional lease in virtue thereof the same as if such conditional purchase had not been converted, and shall be entitled to the benefit and subject to the conditions of the said section, as if such freehold area were a conditional purchase. (*Read.*)

Motion made (*Mr. Davidson*) in line 1 to leave out the words "original conditional purchase which has been converted into a."

Question

Question put,—That the words proposed to be left out stand part of the clause.  
Committee divided.

Ayes, 32.

Mr. Macdonell,	Mr. Clara,
Mr. Fegan,	Mr. Miller,
Mr. Crick,	Mr. McGowen,
Mr. Kidd,	Mr. D. R. Hall,
Mr. Scobie,	Mr. Dacey,
Mr. Nielsen,	Mr. Edden,
Mr. McLaurin,	Mr. McNeill,
Mr. Anderson,	Mr. Nicholson,
Mr. Davis,	Mr. Dick,
Mr. Hollis,	Mr. Jones,
Mr. Sleath,	Mr. Collins,
Mr. Williams,	Mr. John Storey.
Mr. Ashton,	
Mr. Morton,	<i>Tellers,</i>
Mr. W. F. Hurley,	Mr. J. C. L. Fitzpatrick,
Mr. Barnes,	Mr. Macdonald.
Mr. Webster,	
Mr. Lec,	

Noes, 33.

Mr. Levy,	Mr. Coleman,
Mr. Davidson,	Mr. McCoy,
Mr. Garland,	Mr. Moxham,
Mr. Cohen,	Mr. Fleming,
Mr. Moore,	Mr. Millard,
Mr. Rose,	Mr. Alexander Campbell,
Mr. Daniel O'Connor,	Mr. Carroll,
Mr. Wood,	Mr. Fallick,
Mr. Carruthers,	Mr. Ferguson,
Mr. Briner,	Mr. Pyers,
Mr. Nobbs,	Mr. Brinsley Hall,
Mr. O'Connor,	Mr. Gilbert,
Mr. Evans,	Mr. J. F. Smith.
Mr. Phillips,	
Mr. Dight,	<i>Tellers,</i>
Mr. McFarlane,	Mr. MacMahon,
Mr. Bennett,	Mr. Thomson.
Mr. Mackenzie,	

*Words left out.*

And the clause having been further amended as indicated,—

No. 5.

SAME BILL.

*Same clause.*

Question put,—That the new clause, as amended, stand part of the Bill.  
Committee divided.

Ayes, 33.

Mr. Macdonell,	Mr. J. F. Smith,
Mr. Davis,	Mr. Bennett,
Mr. Kidd,	Mr. McCoy,
Mr. Crick,	Mr. Moxham,
Mr. Garland,	Mr. O'Connor,
Mr. Moore,	Mr. Millard,
Mr. Rose,	Mr. Carroll,
Mr. Dight,	Mr. McLaurin,
Mr. Davidson,	Mr. McFarlane,
Mr. Fallick,	Mr. MacMahon,
Mr. Coleman,	Mr. Phillips,
Mr. Alexander Campbell,	Mr. Wood,
Mr. Evans,	Mr. Cohen.
Mr. Barnes,	<i>Tellers,</i>
Mr. W. F. Hurley,	Mr. Briner,
Mr. Carruthers,	Mr. Thomson.
Mr. Anderson,	
Mr. Pyers,	

Noes, 19.

Mr. Daniel O'Connor,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	Mr. Clara,
Mr. Webster,	Mr. Nielsen.
Mr. Scobie,	
Mr. D. R. Hall,	
Mr. Dacey,	
Mr. Jones,	
Mr. Nobbs,	
Mr. Edden,	
Mr. Macdonald,	
Mr. Hollis,	
Mr. Sleath,	
Mr. Collins,	
Mr. McNeill,	
Mr. Dick,	
Mr. Mackenzie,	
Mr. McGowen,	

*New clause, as amended, agreed to.*

And a new clause having been dealt with,—

No. 6.

SAME BILL.

Mr. Rose brought up new clause to follow new Clause (30) last inserted.

Section thirty of the Crown Lands Act of 1895 is hereby amended by the insertion in the first line of the first proviso (a) after the word "residence" the words "or any of his predecessors in title." (*Read.*)

Question put,—That clause, as read, stand part of the Bill.

Committee divided.

Ayes, 17.

Mr. Garland,	Mr. Moore,
Mr. Davidson,	Mr. J. C. L. Fitzpatrick,
Mr. Rose,	Mr. Wood,
Mr. Daniel O'Connor,	Mr. Fegan,
Mr. Morton,	Mr. Carruthers,
Mr. McLaurin,	Mr. Dacey,
Mr. Thomson,	Mr. Webster,
Mr. McFarlane,	Mr. Crick,
Mr. Phillips,	Mr. Evans,
Mr. Nobbs,	Mr. Nielsen,
Mr. Pyers,	Mr. Scobie,
Mr. Millard,	Mr. Dight,
Mr. O'Connor,	Mr. Kidd,
Mr. Mackenzie,	Mr. Clara,
Mr. Carroll,	Mr. Bennett,
	Mr. Davis,
<i>Tellers,</i>	Mr. Coleman,
Mr. Briner,	Mr. Moxham,
Mr. McCoy,	Mr. Sleath,

Noes, 38.

Mr. Anderson,	<i>Tellers,</i>
Mr. Fallick,	Mr. Macdonell,
Mr. W. F. Hurley,	Mr. MacMahon.
Mr. Alexander Campbell,	
Mr. Nicholson,	
Mr. Hollis,	
Mr. Collins,	
Mr. Miller,	
Mr. Barnes,	
Mr. J. F. Smith,	
Mr. Macdonald,	
Mr. Edden,	
Mr. Ashton,	
Mr. Cohen,	
Mr. Dick,	
Mr. McGowen,	
Mr. McNeill,	

*New clause, as read, negatived.*

## No. 7.

## SAME BILL.

Mr. Rose brought up new clause to follow new Clause (30) last inserted.

Where in any of the Crown Lands Acts the condition of residence is imposed in respect of any holding, such condition may in every such case be performed by a deputy. Such deputy to be approved by the Local Land Board. Residence by deputy.

Provided however that the deputy shall maintain his home on the holding and that any breach of the residence condition by a deputy shall for all purposes of forfeiture be deemed to be a breach of such condition by the beneficial owner. (*Read.*)

Question put,—That clause, as read, stand part of the Bill.

Committee divided.

Ayes, 21.

Mr. Morton,	Mr. Carroll.
Mr. Carruthers,	<i>Tellers,</i>
Mr. Davidson,	
Mr. Garland,	Mr. Phillips,
Mr. Daniel O'Connor,	Mr. Moxham.
Mr. McFarlane,	
Mr. McLaurin,	
Mr. Briner,	
Mr. McCoy,	
Mr. Coleman,	
Mr. Fallick,	
Mr. Brinsley Hall,	
Mr. Rose,	
Mr. Millard,	
Mr. Pyers,	
Mr. Nobbbs,	
Mr. O'Connor,	
Mr. Mackenzie,	

Noes, 34.

Mr. J. C. L. Fitzpatrick,	Mr. Alexander Campbell,
Mr. Moore,	Mr. MacMahon,
Mr. Wood,	Mr. Collins,
Mr. Fegan,	Mr. Miller,
Mr. Webster,	Mr. Barnes,
Mr. Hollis,	Mr. Kidd,
Mr. Dacey,	Mr. Cohen,
Mr. Anderson,	Mr. Ashton,
Mr. Sleath,	Mr. Edden,
Mr. Nicholson,	Mr. Macdonald,
Mr. Scobie,	Mr. J. F. Smith,
Mr. Nielsen,	Mr. Dick,
Mr. Dight,	Mr. McGowen,
Mr. Macdonell,	Mr. McNeill.
Mr. Evans,	<i>Tellers,</i>
Mr. Bennett,	
Mr. Davis,	Mr. Clara,
Mr. W. F. Hurley,	Mr. Thomson.

*New clause, as read, negatived.*

## No. 8.

## SAME BILL.

Mr. McFarlane brought up new clause to follow Clause 17.

After the passing of this Act (notwithstanding the provisions of the Principal Acts to the contrary) continuous residence for five years shall satisfy the conditions of residence with regard to conditional purchases. (*Read.*) Conditions of residence with regard to conditional purchases.

Question put,—That the new clause, as read, stand part of the Bill.

Committee divided.

Ayes, 20.

Mr. Morton,	<i>Tellers,</i>
Mr. Coleman,	
Mr. Davidson,	Mr. Brinsley Hall,
Mr. Daniel O'Connor,	Mr. Fallick.
Mr. Moore,	
Mr. McFarlane,	
Mr. Briner,	
Mr. Thomson,	
Mr. McCoy,	
Mr. Rose,	
Mr. Phillips,	
Mr. Nobbbs,	
Mr. Pyers,	
Mr. Millard,	
Mr. Cohen,	
Mr. J. F. Smith,	
Mr. O'Connor,	
Mr. Carroll.	

Noes, 36.

Mr. W. F. Hurley,	Mr. Macdonell,
Mr. Fegan,	Mr. Evans,
Mr. Wood,	Mr. Scobie,
Mr. Carruthers,	Mr. Clara,
Mr. Webster,	Mr. Kidd,
Mr. Davis,	Mr. Ashton,
Mr. Dacey,	Mr. Alexander Campbell,
Mr. Sleath,	Mr. Edden,
Mr. Crick,	Mr. Macdonald,
Mr. Moxham,	Mr. Collins,
Mr. Mackenzie,	Mr. Miller,
Mr. Garland,	Mr. Barnes,
Mr. J. C. L. Fitzpatrick,	Mr. Anderson,
Mr. Hollis,	Mr. Dick,
Mr. Nicholson,	Mr. McGowen.
Mr. MacMahon,	<i>Tellers,</i>
Mr. Nielson,	
Mr. Dight,	Mr. D. R. Hall,
Mr. Bennett,	Mr. Jones.

*New clause, as read, negatived.*

## No. 9.

## SAME BILL.

Mr. Webster brought up new clause, to follow Clause 21:—

Any person of or above the age of sixteen years may apply for a settlement lease under this Act or the Principal Acts, and the Governor may grant a settlement lease to any such applicant, who shall thereupon be subject to all the provisions and conditions thereof. (*Read.*)

Motion

Motion made (*Mr. Crick*),—That the Honorable Member for Wilcannia, Mr. Sleath, be not further heard,—and Question put.

Committee divided.

Ayes, 22.

Mr. Kidd,	Mr. Phillips,
Mr. W. F. Hurley,	Mr. Barnes,
Mr. Crick,	Mr. Dight,
Mr. Webster,	Mr. Bennett,
Mr. Scobie,	Mr. Miller,
Mr. Nielsen,	Mr. D. R. Hall,
Mr. MacMahon,	Mr. Jones,
Mr. Davis,	Mr. Dick.
Mr. Thomson,	
Mr. Alexander Campbell,	<i>Tellers,</i>
Mr. Anderson,	Mr. Hollis,
Mr. Pyers,	Mr. Dacey.

Noes, 14.

Mr. Rose,	<i>Tellers,</i>
Mr. Mackenzie,	
Mr. Moxham,	Mr. J. C. L. Fitzpatrick,
Mr. McCoy,	Mr. Ferguson.
Mr. Fallick,	
Mr. Millard,	
Mr. Sleath,	
Mr. Daniel O'Connor,	
Mr. Edden,	
Mr. John Storey,	
Mr. Carroll,	
Mr. McGowen.	

*Agreed to.*

Question put, That clause, as read, stand part of the Bill.

Committee divided.

Ayes, 18.

Mr. Kidd,
Mr. W. F. Hurley,
Mr. Crick,
Mr. Webster,
Mr. Macdonald,
Mr. Davis,
Mr. J. F. Smith,
Mr. Evans,
Mr. Alexander Campbell,
Mr. Anderson,
Mr. Brinsley Hall,
Mr. Pyers,
Mr. Bennett,
Mr. Nicholson,
Mr. D. R. Hall,
Mr. Jones.
<i>Tellers,</i>
Mr. Collins,
Mr. Phillips.

Noes, 37.

Mr. Moore,	Mr. Scobie,
Mr. Rose,	Mr. Macdonell,
Mr. Davidson,	Mr. McLaurin,
Mr. Wood,	Mr. Hollis,
Mr. Sleath,	Mr. Clara,
Mr. Daniel O'Connor,	Mr. Edden,
Mr. J. C. L. Fitzpatrick,	Mr. Dick,
Mr. Carruthers,	Mr. Dight,
Mr. Ferguson,	Mr. Barnes,
Mr. Cohen,	Mr. MacMahon,
Mr. Garland,	Mr. Miller,
Mr. Coleman,	Mr. Thomson,
Mr. Moxham,	Mr. John Storey,
Mr. Mackenzie,	Mr. McGowen,
Mr. McCoy,	Mr. Carroll.
Mr. Fallick,	<i>Tellers,</i>
Mr. Millard,	
Mr. Nobbs,	Mr. Dacey,
Mr. O'Connor,	Mr. Briner.
Mr. Nielsen,	

*New clause, as read, negatived.*

On motion of Mr. Crick, the Chairman left the Chair to report progress, and ask leave to sit again To-morrow.

WEDNESDAY, 9 SEPTEMBER, 1903.

No. 11.

CROWN LANDS ACT AMENDMENT BILL:—

Mr. Rose brought up new clause, to follow Clause 4:—

Every holder of a settlement lease shall be entitled to convert such settlement lease or any part thereof into a conditional purchase, and such conditional purchase shall be subject to all the conditions of the principal Acts in regard to original conditional purchases:

Provided that

- (a) Where improvements or fencing have been effected on such settlement lease they shall be taken *pro tanto* as a fulfilment of the condition of improvements or fencing.
- (b) The total area which may be converted by one or more applications under this section shall not exceed an area which, in the opinion of the Board, is sufficient to maintain a home.
- (c) Such a converted conditional purchase shall not be transferred to any person who holds an area of land which together with the converted conditional purchase proposed to be transferred would be more than sufficient to maintain a home.
- (d) The capital value of such a conditional purchase shall be the capital value under which it was held as a settlement lease.
- (e) Where part only of a settlement lease is converted under this section the balance of such settlement lease shall continue to be held subject to the same conditions under which it was held as a settlement lease, and the condition of residence attaching to the converted conditional purchase and the balance of such settlement lease may be performed either on such converted conditional purchase or on the balance of such settlement lease. (*Read.*)

Mr. Crick submitted that the proposed new clause was outside the scope of the Bill.

The Chairman ruled that the proposed new clause was beyond the scope of the Bill as committed for consideration.

Whereupon

Whereupon motion made (*Mr. Rose*),—That the Chairman leave the Chair to report the Point of Order to the House, and ask leave to sit again so soon as the Point of Order has been decided.

Question put.

Committee divided.

Ayes, 40.

Mr. Mahony,	Mr. Ferguson,
Mr. Fleming,	Mr. Edden,
Mr. David Storey,	Mr. Brinsley Hall,
Mr. Fallick,	Mr. Edon George,
Mr. Daniel O'Connor,	Mr. Latimer,
Mr. Davidson,	Mr. Gillies,
Mr. Cohen,	Mr. Millard,
Dr. Ross,	Mr. Gilbert,
Mr. Carruthers,	Mr. Estell,
Mr. Garland,	Mr. Dick,
Mr. Moore,	Mr. Carroll,
Mr. J. C. L. Fitzpatrick,	Mr. Byrne,
Mr. Brunker,	Mr. Quirk,
Mr. Dight,	Mr. Gormly,
Mr. Levy,	Mr. Daley,
Mr. Briner,	Mr. Hollis,
Mr. McLaurin,	Mr. Oakes.
Mr. Wood,	<i>Tellers,</i>
Mr. Haynes,	Mr. Rose,
Mr. O'Connor,	Mr. Phillips.
Mr. Evans,	

Noes, 30.

Mr. Macdonell,	Mr. Burgess,
Mr. Fegan,	Mr. Anderson,
Mr. Perry,	Mr. Archer,
Mr. O'Sullivan,	Mr. Clara,
Mr. Webster,	Mr. Scobie,
Mr. Hayes,	Mr. Nielsen,
Mr. Bennett,	Mr. Jones.
Mr. W. F. Hurley,	<i>Tellers,</i>
Mr. Alexander Campbell,	Mr. Willis,
Mr. Barnes,	Mr. Dacey.
Mr. T. R. Smith,	
Mr. McFarlane,	
Mr. Crick,	
Mr. Quinn,	
Mr. John Storey,	
Mr. Young,	
Mr. Nicholson,	
Mr. Pyers,	
Mr. Kidd,	
Mr. J. F. Smith,	
Mr. Macdonald,	

*Agreed to.*

Chairman left the Chair accordingly.

Committee resumed—Mr. Speaker having ruled the proposed new clause to be beyond the scope of the Bill.

And several proposed new clauses having been dealt with,—

On motion of Mr. Crick, the Chairman left the Chair to report the Bill with amendments to the House.

THURSDAY, 11 SEPTEMBER, 1903, A.M.

No. 12.

LITHGOW MUNICIPAL LOANS VALIDATION BILL.

The clauses of the Bill having been dealt with,—

Preamble. Whereas the council of or the borough of Lithgow, in or about November, one thousand eight hundred and ninety-two, borrowed the sum of six thousand pounds for the alleged purpose of constructing or erecting gasworks of the borough: And whereas the council of the said borough also borrowed the sum of two thousand pounds for the purposes of the borough: And whereas difficulties have arisen as to the validity of the said loans of six thousand pounds and two thousand pounds: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales, in Parliament assembled, and by the authority of the same, as follows:—(*Read*).

Motion made (*Mr. McGowen*) in line 3 to leave out the word "alleged."

Question proposed,—That the word proposed to be left out stand part of the Preamble.

Motion made (*Mr. Crick*)—That the Honorable Member for Botany, Mr. Dacey, be not further heard,—and Question put.

Committee divided.

Ayes, 18.

Mr. Fegan,	Mr. Fallick,
Mr. Lonsdal,	Mr. Bennett,
Mr. Crick,	Mr. Cohen,
Mr. Garland,	Mr. W. F. Hurley,
Mr. Perry,	Mr. Pyers,
Mr. Gillies,	Mr. Nicholson.
Mr. John Hurley,	<i>Tellers,</i>
Mr. O'Sullivan,	Mr. Nobbs,
Mr. J. C. L. Fitzpatrick,	Mr. Davidson.
Mr. Carruthers,	

Noes, 17.

Mr. McGowen,	Mr. Miller,
Mr. Latimer,	Mr. MacMahon,
Mr. Edden,	Mr. J. F. Smith,
Mr. E. M. Clark,	Mr. Burgess,
Mr. Dick,	Mr. Briner.
Mr. Gilbert,	<i>Tellers,</i>
Mr. Dacey,	Mr. Macdonell,
Mr. Scobie,	Mr. Holman.
Mr. Hollis,	
Mr. Oakes,	

*Agreed to.*

No. 13.

SAME BILL.

*Same Question.*

Motion made (*Mr. J. C. L. Fitzpatrick*),—That the Honorable Member for Newtown-Erskine Division, Mr. Hollis, be not further heard,—and Question put.

Committee

Committee divided.

Ayes, 16.

Mr. Lonsdale,	Mr. Carruthers,
Mr. Crick,	Mr. W. F. Hurley,
Mr. Garland,	Mr. Pyers,
Mr. Perry,	Mr. Nicholson,
Mr. Gillies,	Mr. McLaurin,
Mr. John Hurley,	<i>Tellers,</i>
Mr. O'Sullivan,	Mr. Cohen,
Mr. Nobbs,	Mr. J. C. L. Fitzpatrick,
Mr. Davidson,	

Noes, 14.

Mr. Morton,	Mr. Holman,
Mr. Macdonell,	Mr. Hollis,
Mr. McGowen,	Mr. E. M. Clark,
Mr. Latimer,	<i>Tellers,</i>
Mr. Edden,	Mr. Scobie,
Mr. Briner,	Mr. Dacey,
Mr. MacMahon,	
Mr. J. F. Smith,	
Mr. Burgess,	

*Agreed to.*

No. 14.

SAME BILL.

*Same Question.*

Motion made (*Mr. J. C. L. Fitzpatrick*),—That the Honorable Member for Grenfell, Mr. Holman, be not further heard,—and Question put.

Committee divided.

Ayes, 16.

Mr. Crick,	Mr. Davidson,
Mr. Garland,	Mr. Cohen,
Mr. Perry,	Mr. Nicholson,
Mr. Gillies,	Mr. McLaurin,
Mr. Lonsdale,	Mr. Nobbs,
Mr. John Hurley,	<i>Tellers,</i>
Mr. O'Sullivan,	Mr. W. F. Hurley,
Mr. J. C. L. Fitzpatrick,	Mr. Pyers,
Mr. Carruthers,	

Noes, 15.

Mr. Oakes,	Mr. Scobie,
Mr. Morton,	Mr. Briner,
Mr. Macdonell,	Mr. MacMahon,
Mr. Latimer,	Mr. J. F. Smith,
Mr. Edden,	<i>Tellers,</i>
Mr. McGowen,	Mr. Dacey,
Mr. Holman,	Mr. Burgess,
Mr. E. M. Clark,	
Mr. Hollis,	

*Agreed to.*

No. 15.

SAME BILL.

*Same Question.*

Motion made (*Mr. J. C. L. Fitzpatrick*),—That the Honorable Member for Wentworth, Mr. Scobie, be not further heard,—and Question put.

Committee divided.

Ayes, 17.

Mr. W. F. Hurley,	Mr. Nobbs,
Mr. Crick,	Mr. Pyers,
Mr. Fegan,	Mr. Davidson,
Mr. Garland,	Mr. Cohen,
Mr. Perry,	Mr. Bennett,
Mr. Lonsdale,	<i>Tellers,</i>
Mr. John Hurley,	Mr. McLaurin,
Mr. O'Sullivan,	Mr. Nicholson,
Mr. J. C. L. Fitzpatrick,	
Mr. Carruthers,	

Noes, 17.

Mr. Oakes,	Mr. Scobie,
Mr. Morton,	Mr. Burgess,
Mr. Macdonell,	Mr. Briner,
Mr. Latimer,	Mr. MacMahon,
Mr. Edden,	Mr. J. F. Smith,
Mr. McGowen,	<i>Tellers,</i>
Mr. Holman,	Mr. E. M. Clark,
Mr. Miller,	Mr. Gillies,
Mr. Dacey,	
Mr. Hollis,	

The numbers being equal, the Chairman gave his casting vote with the Noes, and declared the question to have passed in the negative.

No. 16.

SAME BILL.

*Same Question.*

Motion made (*Mr. Miller*) "That Question be now put,"—and Question put.

Committee divided.

Ayes, 30.

Mr. Davidson,	Mr. McLaurin,
Mr. Scobie,	Mr. Nicholson,
Mr. Crick,	Mr. McGowen,
Mr. J. C. L. Fitzpatrick,	Mr. Gilbert,
Mr. Perry,	Mr. Macdonell,
Mr. Lonsdale,	Mr. Miller,
Mr. Fegan,	Mr. Nobbs,
Mr. John Hurley,	Mr. Edden,
Mr. Latimer,	Mr. Carruthers,
Mr. Garland,	Mr. O'Sullivan,
Mr. Gillies,	Mr. Pyers,
Mr. Morton,	Mr. W. F. Hurley,
Mr. Cohen,	<i>Tellers,</i>
Mr. Fallick,	Mr. Dick,
Mr. Bennett,	Mr. Oakes,
Mr. Briner,	

Noes, 7.

Mr. Dacey,
Mr. E. M. Clark,
Mr. Burgess,
Mr. MacMahon,
Mr. J. F. Smith,
<i>Tellers,</i>
Mr. Hollis,
Mr. Holman,

And it appearing by the Tellers' Lists that the requirements of Standing Order 175, that at least forty Members should vote in favour of the motion, had not been complied with,—

*Not decided in the affirmative.*

No. 17



No. 17.

SAME BILL.

*Same Question.*

Motion made (*Mr. Crick*),—That the Honorable Member for St. Leonards, Mr. E. M. Clark, be not further heard,—and Question put.

And the Tellers not agreeing, the Chairman appointed other Tellers, and the Committee proceeded to another Division.

Committee again divided.

Ayes, 25.

Mr. Davidson,	Mr. McLaurin,
Mr. Crick,	Mr. Nicholson,
Mr. J. C. L. Fitzpatrick,	Mr. McGowen,
Mr. Perry,	Mr. Dick,
Mr. Garland,	Mr. Fegan,
Mr. Lonsdale,	Mr. Carruthers,
Mr. Latimer,	Mr. O'Sullivan,
Mr. John Hurley,	Mr. Pyers,
Mr. Gillies,	Mr. W. F. Hurley.
Mr. Nobbs,	<i>Tellers.</i>
Mr. Cohen,	Mr. Gilbert,
Mr. Fallick,	Mr. Macdonell.
Mr. Bennett,	
Mr. Briner,	

Noes, 10.

Mr. Miller,
Mr. Dacey,
Mr. Hollis,
Mr. Holman,
Mr. E. M. Clark,
Mr. Seobic,
Mr. Burgess,
Mr. Edden.

*Tellers.*

Mr. J. F. Smith,
Mr. MacMahon.

Agreed to.

And the word having been left out from the Preamble—

On motion of Mr. Hurley, the Chairman left the Chair to report the Bill with an amendment to the House.

R. W. ROBERTSON,  
Clerk Assistant.

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1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 7.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 15 SEPTEMBER, 1903.

No. 1.

## HAWKESBURY BENEVOLENT SOCIETY'S (AMENDMENT) BILL.

(Consideration of Legislative Council's amendments referred to in Message of 10 September, 1903.)

Motion made (Mr. Perry), That the Committee agree to the Legislative Council's amendments in the Bill.

And the Committee requiring the amendments to be put *seriatim*,—

The amendments in the Title and the first amendment in clause 1 agreed to.

Page 1, clause 1, line 7. Leave out "~~Twenty-third Victoria, number twenty,~~" insert "**with an Act passed in the twenty-third 'year' of Her Majesty Queen 'Victoria.'**"  
(Considered.)

Motion made (Mr. Perry),—That the Committee agree to the Council's amendment in line 7 of clause 1.

Amendment moved (Mr. Carruthers),—To insert after "**year**" the words "of the reign."

Question put,—That the words proposed to be inserted be so inserted.

Committee divided.

Ayes, 21.

Mr. Frank Farnell,	
Mr. Gilbert,	<i>Tellers,</i>
Mr. Mackenzie,	Mr. Macdorell,
Mr. Winchcombe,	Mr. J. C. L. Fitzpatrick.
Mr. Ashton,	
Mr. Hogue,	
Mr. Leo,	
Mr. Cohen,	
Mr. Carruthers,	
Mr. Mabony,	
Mr. Nobbs,	
Mr. Fallick,	
Mr. Eden George,	
Mr. Daniel O'Connor,	
Mr. Affleck,	
Mr. Hawthorne,	
Mr. Carroll,	
Mr. Burgess,	
Mr. Jones.	

Noes, 36.

Mr. Levy,	Mr. McGowen,
Mr. Meagher,	Mr. Richards,
Mr. Fegan,	Mr. Evans,
Mr. Hayes,	Mr. W. F. Hurley,
Mr. Perry,	Mr. Barnes,
Sir John See,	Dr. Ross,
Mr. Anderson,	Mr. J. F. Smith,
Mr. Gillies,	Mr. Gormly,
Mr. Bennett,	Mr. Edden,
Mr. Donaldson,	Mr. Scobie,
Mr. Brinsley Hall,	Mr. D. R. Hall,
Mr. Henry Clarke,	Mr. Miller,
Mr. McFarlane,	Mr. Willis,
Mr. Hollis,	Mr. Byrne,
Mr. Archer,	Mr. Estell.
Mr. Kidd,	<i>Tellers,</i>
Mr. John Storey,	
Mr. Nelson,	Mr. Law,
Mr. Sleath,	Mr. Briner.

*Insertion of words negatived.*The Council's amendment, having been amended by adding after "**Victoria**" the words "and intituled 'An Act to Amend the Hawkesbury Benevolent Society's Act of Incorporation,'" agreed to.

And the Council's amendments in clause 2 having been agreed to,—

On motion of Mr. Perry the Chairman left the Chair to report that the Committee had amended one, and agreed to the remainder of the Council's amendments, including the amendments in the Title.

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THURSDAY,

. THURSDAY, 17 SEPTEMBER, 1903.

No. 2.

PUBLIC SERVICE (SUPERANNUATION) BILL.

Clause 1 having been dealt with—

And the Committee continuing to sit after Midnight—

FRIDAY, 18 SEPTEMBER, 1903. A.M.

Clauses 2 and 3 and several new clauses having been dealt with,—

Mr. Cohen brought up new clause to follow new clause (6) last inserted:—

For the purpose of computing the amount of superannuation allowance or gratuity due to any person now in the Public Service, all unbroken service by that person in the Government Printing Office shall be deemed to be service within the meaning of the Civil Service Act of 1884, the Public Service Act of 1895, and any Act amending the same. And where such person became a contributor to the Superannuation Fund in terms of section 57 of the first-mentioned Act, and continues to so contribute, he shall on retirement (except for an offence) in respect to the whole of his service prior to his commencing to so contribute be subject to the provisions of section 55 of that Act. (Read.)

Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

Ayes, 23.

Mr. Daniel O'Connor,	Mr. Fallick,
Mr. Davidson,	Mr. Estell.
Mr. Lonsdale,	Mr. John Storey,
Mr. E. M. Clark,	Mr. Jones,
Mr. Carruthers,	Mr. McNeill,
Mr. Nobbs,	Mr. Anderson,
Mr. Power,	Mr. Garland,
Mr. Cohen,	Mr. Oakes.
Mr. Arthur Griffith,	
Mr. Macdonell,	<i>Tellers,</i>
Mr. McCoy,	Mr. J. C. L. Fitzpatrick,
Mr. Phillips,	Mr. Miller.
Mr. McGowen,	

Noes, 22.

Mr. Morton,	Mr. Thomson,
Mr. Wood,	Mr. Archer,
Mr. Bennett,	Mr. McFarlane,
Mr. Perry,	Mr. Scobie,
Mr. Waddell,	Mr. Brinsley Hall,
Mr. Daley,	Mr. J. F. Smith,
Mr. W. F. Hurley,	Mr. Dacey.
Mr. Alexander Campbell,	<i>Tellers,</i>
Sir John See,	
Mr. O'Sullivan,	Mr. Holman,
Mr. Hollis,	Mr. Gillies.
Mr. Nielsen,	
Mr. Burgess,	

*New clause, as read, agreed to.*

On motion of Mr. Waddell, the Chairman left the Chair to report the Bill with amendments to the House.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 8.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES)

TUESDAY, 22 SEPTEMBER, 1903.

No. 1.

CROWN LANDS ACT AMENDMENT BILL:—

(Recommittal for consideration of Clauses 1 and 3.)

Clause 1 having been dealt with.

Clause 3.

\* \* \* \* \*

Subsection (f). The general provisions and conditions of the Principal Acts shall apply to every purchase selection or lease under this section; except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings. The Board may attach any of the prescribed conditions to any additional homestead selection or settlement lease: Provided that no application under this section shall be entertained from the transferee of an original conditional purchase unless such applicant be in residence on his holding for six months immediately prior to the passing of this Act, his application, unless the local land board find that the applicant was forced to discontinue his residence under adverse conditions beyond his control. (Considered.)

Additional  
holdings.

The subsection having been amended as indicated,—

Motion made (Mr. Webster) to add at the end thereof the words "Provided that any person who acquires by transfer an original conditional purchase after the passing of this Act, shall not be entitled to the preferential rights conferred under this Act, which are not conceded to any applicant who is not the holder of an original conditional purchase."

Question put.—That the words proposed to be added be so added.

Committee divided.

Ayes, 23.

Mr. Webster,  
Mr. Jones,  
Mr. Dacey,  
Mr. D. R. Hall,  
Mr. Macdorell,  
Mr. Sullivan,  
Mr. J. C. L. Fitzpatrick,  
Mr. Fleming,  
Mr. Millard,  
Mr. Power,  
Mr. David Storey,  
Mr. Collins,  
Mr. Carruthers,  
Mr. Nobbs,  
Mr. Daniel O'Connor,  
Mr. Wood,  
Mr. Davidson,  
Mr. Millard,  
Mr. Garland,  
Mr. Price,  
Mr. John Storey.

Tellers,

Mr. Affleck,  
Mr. Broughton.

Noes, 58.

Mr. John Hurley,  
Mr. Mackenzie,  
Mr. Crick,  
Mr. Thomas Fitzpatrick,  
Mr. E. M. Clark,  
Mr. Moore,  
Mr. Levy,  
Mr. Waddell,  
Mr. Perry,  
Mr. Hayes,  
Mr. Ferguson,  
Mr. Anderson,  
Mr. Cohen,  
Mr. Lee,  
Dr. Ross,  
Mr. Moxham,  
Mr. Richards,  
Mr. Bruncker,  
Mr. Mahony,  
Mr. Evans,  
Mr. Davis,  
Mr. Phillips,  
Mr. Fegan,  
Mr. Gillie,  
Mr. Law,

Mr. McGowen,  
Mr. McFarlane,  
Mr. Henry Clarke,  
Mr. Dight,  
Mr. Archer,  
Mr. Briner,  
Mr. Thomson,  
Mr. O'Sullivan,  
Mr. Kidd,  
Mr. Pyers,  
Sir John See,  
Mr. Levien,  
Mr. Barnes,  
Mr. Nicholson,  
Mr. Brinsley Hall,  
Mr. Young,  
Mr. Alexander Campbell,  
Mr. W. F. Hurley,  
Mr. Quinn,  
Mr. Byrne,  
Mr. Scobie,  
Mr. Niclsen,  
Mr. Sleath,  
Mr. McNeill,  
Mr. Willis,

Mr. Latimer,  
Mr. Carroll,  
Mr. Gormly,  
Mr. Burgess,  
Mr. McLaurin,  
Mr. Morton.

Tellers,

Mr. Clara,  
Mr. Williams.

Addition of words negatived.

And the clause having been further dealt with,—

Clause, as amended, agreed to.

On motion of Mr. Crick, the Chairman left the Chair to report the Bill, with further amendments, to the House.

WEDNESDAY, 23 SEPTEMBER, 1903.

No. 2.

## REDUCTION OF MEMBERS REFERENDUM BILL.

*(Resolution.)*

Sir John See moved, That the Committee agree to the following Resolution:—

*Resolved*,—That it is expedient to bring in a Bill "to submit the question of" "the" reduction of the number of the Members of the Legislative Assembly to a Referendum; and for purposes consequent on or incidental to that object.

Motion made (*Mr. Carruthers*) to leave out the words "to submit the question of" and insert the word "for," instead thereof.

Question proposed,—That the words proposed to be left out stand part of the Resolution.

*Point of Order*.—*Mr. Crick* submitted that the proposed amendment was out of order, inasmuch as it was subversive of the motion.

The Temporary Chairman, *Mr. Meagher*, upheld the Point of Order, whereupon *Mr. Carruthers* moved,—That the Temporary Chairman leave the Chair to report the Point of Order to the House, and ask leave to sit again so soon as the Point of Order has been decided.

The Point of Order is,—That during the consideration in Committee of the Whole "of" "the expediency of bringing in a Bill to submit the question of the reduction of the" "Members of the Legislative Assembly to a referendum; and for purposes consequent" "on or incidental to that object," an amendment was moved by the Honorable Member for St. George to leave out the words "to submit the question of" with a view to the insertion of the word "for," upon which a Point of Order was taken by the Honorable the Minister for Lands that the amendment was out of order, inasmuch as it was subversive of the motion, which Point of Order the Temporary Chairman had upheld.

And the Committee continuing to sit after Midnight—

THURSDAY, 24 SEPTEMBER, 1903, A.M.

Question put.

Committee divided.

Ayes, 53.

Mr. Lee,	Mr. Affleck,
Mr. Hogue,	Mr. McCoy,
Mr. Garland,	Mr. Latimer,
Mr. Wood,	Mr. Law,
Mr. Moore,	Mr. Cohen,
Mr. Haynes,	Mr. Fleming,
Mr. Brunker,	Mr. Archibald Campbell,
Mr. Levy,	Mr. Edden,
Mr. Mahony,	Mr. Burgess,
Mr. Scobie,	Mr. Ferguson,
Mr. Broughton,	Mr. McGowen,
Mr. Carruthers,	Mr. David Storey,
Mr. Morton,	Mr. E. M. Clark,
Mr. Wade,	Mr. Quirk,
Mr. Fallick,	Mr. Willis,
Mr. J. C. L. Fitzpatrick,	Mr. Carroll,
Mr. Webster,	Mr. Holman,
Mr. Davidson,	Mr. Millard,
Mr. Jones,	Mr. Briner,
Mr. Gilbert,	Mr. Collins,
Mr. Nobbs,	Mr. Dick,
Mr. Ashton,	Mr. Eden George,
Mr. Coleman,	Mr. Oakes.
Mr. Estell,	<i>Tellers,</i>
Mr. Arthur Griffith,	
Mr. Jessep,	Mr. Price,
Mr. Daniel O'Connor,	Mr. McLaurin.
Mr. Dacey,	

Noes, 57.

Mr. Fegan,	Mr. Brinsley Hall,
Mr. Thomas Fitzpatrick,	Mr. Dight,
Mr. Perry,	Mr. Thomson,
Mr. Hayes,	Mr. Macdonald,
Sir John See,	Mr. McNeill,
Mr. Crick,	Mr. Kidd,
Mr. D. R. Hall,	Mr. Nelson.
Mr. John Storey,	<i>Tellers,</i>
Mr. Nicholson,	
Mr. Young,	Mr. Miller,
Mr. W. F. Hurley,	Mr. Gillies.
Mr. Anderson,	
Mr. Barnes,	
Mr. Henry Clarke,	
Mr. Nielsen,	
Mr. Sleath,	
Mr. Bennett,	
Mr. Byrne,	
Mr. Quinn,	
Mr. Hollis,	
Mr. Kelly,	
Mr. T. R. Smith,	
Mr. O'Sullivan,	
Mr. Archer,	
Mr. Richards,	
Mr. McFarlane,	
Mr. MacMahon,	
Mr. Evans,	

*Agreed to.*

The Temporary Chairman, *Mr. Meagher*, left the Chair accordingly.

Committee resumed—The Speaker having ruled that in his opinion the leading principle of the resolution before the Committee was that the people should in the first instance be asked to fix the number of Members by which the House should be reduced; as the amendment would practically reverse that principle, it would not be relevant. He, therefore, upheld the decision of the Temporary Chairman.

No. 3.

## SAME BILL.

*Same resolution.*

Motion made (*Mr. Arthur Griffith*), to insert in line 2 after the word "the" second occurring the words "reform of the constitution by the"

Question put,—That the words proposed to be inserted be so inserted.

Committee

Committee divided.

Ayes, 26.

Mr. Sleath,  
Mr. Jones,  
Mr. Scobie,  
Mr. Dacey,  
Mr. Nielsen,  
Mr. Estell,  
Mr. Hollis,  
Mr. Miller,  
Mr. Holman,  
Mr. McGowen,  
Mr. Gillies,  
Mr. MacMahon,  
Mr. Kelly,  
Mr. Anderson,  
Mr. Ferguson,  
Mr. Eden,  
Mr. Young,  
Mr. John Storey,  
Mr. Nicholson,  
Mr. D. R. Hall,  
Mr. Burgess,  
Mr. Macdonald,  
Mr. Briner,  
Mr. McNeill.

*Tellers,*

Mr. Webster,  
Mr. Arthur Griffith.

Noes, 62.

Mr. Cohen,  
Mr. Carroll,  
Mr. Wood,  
Mr. Morton,  
Mr. Haynes,  
Mr. Latimer,  
Mr. Levy,  
Mr. Mahony,  
Mr. Henry Clarke,  
Sir John See,  
Mr. Perry,  
Mr. O'Sullivan,  
Mr. Jessep,  
Mr. Lee,  
Mr. J. C. L. Fitzpatrick,  
Mr. Moore,  
Mr. Carruthers,  
Mr. Fallick,  
Mr. Oakes,  
Mr. David Storey,  
Mr. Garland,  
Mr. Affleck,  
Mr. Bruaker,  
Mr. Quinn,  
Mr. E. M. Clark,  
Mr. Quirk,  
Mr. Crick,  
Mr. T. R. Smith,  
Mr. Willis,  
Mr. McFarlane,  
Mr. Thomson,  
Mr. Thomas Fitzpatrick,  
Mr. Archer,  
Mr. Hayes,  
Mr. Fegan,  
Mr. Evans,  
Mr. Davidson,  
Mr. McLaurin,  
Mr. Coleman,  
Mr. Broughton,  
Mr. Barnes,  
Mr. Brinsley Hall,  
Mr. Dight,  
Mr. Byrne,  
Mr. Archibald Campbell,  
Mr. Kidd,  
Mr. Daniel O'Connor,  
Mr. Fleming,  
Mr. Millard,  
Mr. Law,  
Mr. W. F. Hurley,  
Mr. Richards,  
Mr. Bennett,  
Mr. Eden George,  
Mr. Gilbert,  
Mr. Wade,  
Mr. Nobbs,  
Mr. Hogue,  
Mr. Dick,  
Mr. Ashton.  
*Tellers,*  
Mr. Collins,  
Mr. McCoy.

*Insertion of words negatived.*

No. 4.

SAME BILL.

*Same resolution.*

Question put,—That the Committee agree to the resolution, as read.

Committee divided.

Ayes, 52.

Sir John See,  
Mr. Bennett,  
Mr. Perry,  
Mr. Arthur Griffith,  
Mr. O'Sullivan,  
Mr. Crick,  
Mr. Hayes,  
Mr. Jones,  
Mr. Scobie,  
Mr. Gillies,  
Mr. McNeill,  
Mr. Fegan,  
Mr. W. F. Hurley,  
Mr. Estell,  
Mr. Kidd,  
Mr. Henry Clarke,  
Mr. T. R. Smith,  
Mr. Evans,  
Mr. Hollis,  
Mr. Miller,  
Mr. Nielsen,  
Mr. Sleath,  
Mr. Kelly,  
Mr. Thomson,  
Mr. Dacey,  
Mr. Webster,  
Mr. Archer,  
Mr. McFarlane,  
Mr. Anderson,  
Mr. McLaurin,  
Mr. Macdonald,  
Mr. Richards,  
Mr. Burgess,  
Mr. Holman,  
Mr. D. R. Hall,  
Mr. Byrne,  
Mr. John Storey,  
Mr. Young,  
Mr. Dight,  
Mr. Edden,  
Mr. Ferguson,  
Mr. Brinsley Hall,  
Mr. Nicholson,  
Mr. Barnes,  
Mr. Quirk,  
Mr. McGowen,  
Mr. Willis,  
Mr. Thomas Fitzpatrick,  
Mr. Quinn,  
Mr. Collins.  
*Tellers,*  
Mr. MacMahon,  
Mr. Briner.

Noes, 36.

Mr. Carroll,  
Mr. Cohen,  
Mr. Morton,  
Mr. Haynes,  
Mr. Latimer,  
Mr. Levy,  
Mr. McCoy,  
Mr. Mahony,  
Mr. Wood,  
Mr. Moore,  
Mr. Law,  
Mr. Millard,  
Mr. Lee,  
Mr. Fallick,  
Mr. Carruthers,  
Mr. Oakes,  
Mr. David Storey,  
Mr. Affleck,  
Mr. Bruncker,  
Mr. E. M. Clark,  
Mr. J. C. L. Fitzpatrick,  
Mr. Davidson,  
Mr. Daniel O'Connor,  
Mr. Gilbert,  
Mr. Dick,  
Mr. Coleman,  
Mr. Broughton,  
Mr. Archibald Campbell,  
Mr. Fleming,  
Mr. Eden George,  
Mr. Nobbs,  
Mr. Wade,  
Mr. Hogue,  
Mr. Ashton.  
*Tellers,*  
Mr. Gariand,  
Mr. Jessep.

*Agreed to.*

On motion of Sir John See, the Chairman left the Chair to report the resolution to the House.

B. W. ROBERTSON,  
Clerk Assistant.

12/11/1947

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1903.  
 ———  
 LEGISLATIVE ASSEMBLY.  
 NEW SOUTH WALES.

No. 9.

WEEKLY REPORT OF DIVISIONS  
 IN  
 COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 29 SEPTEMBER, 1903.

No. 1.

CONSOLIDATED REVENUE FUND BILL (No. 2) :—

Clause 1 read.

Question proposed that the Clause, as read, stand part of the Bill.

Motion made (*Mr. Alexander Campbell*),—That the Honorable Member for Rylstone, Mr. J. C. L. Fitzpatrick, be not further heard,—and Question put.

Committee divided.

Ayes, 24.

Mr. Briner,	Mr. Thomson,
Mr. Quinn,	Mr. Pyers,
Sir John See,	Mr. Miller,
Mr. Kidd,	Mr. McNeill,
Mr. Waddell,	Mr. W. F. Hurley,
Mr. Perry,	Mr. Young,
Mr. Thomas Fitzpatrick,	Mr. Donaldson,
Mr. O'Sullivan,	Mr. Bennett,
Mr. Fegan,	Mr. McFarlane.
Mr. Evans,	<i>Tellers,</i>
Mr. Alexander Campbell,	Mr. Scobie,
Mr. Power,	Mr. Brinsley Hall.
Mr. Hollis,	

Noes, 20.

Mr. McCoy,	Mr. Millard,
Mr. Coleman,	Mr. Fallick,
Mr. Garland,	Mr. Cohen,
Mr. Kelly,	Mr. J. F. Smith,
Mr. Levy,	Mr. Carroll.
Mr. Jessep,	<i>Tellers,</i>
Mr. Carruthers,	Mr. Williams,
Mr. J. C. L. Fitzpatrick,	Mr. Arthur Griffith.
Mr. Macdonell,	
Mr. Brunker,	
Mr. Archibald Campbell,	
Mr. Lonsdale,	
Mr. Nobbs,	

*Agreed to.*

*Clause as read agreed to*

And the remaining Clauses, the Schedule, and the Preamble having been dealt with,—

On motion of Sir John See, the Chairman left the Chair to report the Bill, without amendment, to the House.

FRIDAY, 2 OCTOBER, 1903.

No. 2.

WAYS AND MEANS (*Financial Statement*) :—

(2.) Resolved,—That, towards making good the Supply granted to His Majesty for the Service of the year 1903-4, there be granted out of the Consolidated Revenue Fund of New South Wales the sum of £985, for Executive Council for the year 1903-4—(*Further considered*).

The Honorable Member for Yass, Mr. Affleck, was referring to the matter of the Federal Capital Site when objection was taken that there was no item on the Estimates under which the question could be referred to.

The Chairman sustained the objection, whereupon Mr. Affleck moved,—That the Chairman leave the Chair to report a Point of Order, and ask leave to sit again so soon as the Point of Order has been decided by the House,—

(*The Point of Order is here stated as above*),—

Question put.  
Committee divided.

## Ayes, 17.

Mr. Mackenzie,  
Mr. Moore,  
Mr. Levy,  
Mr. J. C. L. Fitzpatrick,  
Mr. Daley,  
Mr. Jessop,  
Mr. Nobbs,  
Mr. Fallick,  
Mr. Wood,  
Mr. Broughton,  
Mr. John Hurley,  
Mr. Latimer,  
Mr. Affleck,  
Mr. Ferguson,  
Mr. Millard.

## Tellers,

Mr. Ashton,  
Mr. O'Connor.

## Noes, 30.

Mr. Quinn,	Mr. Daniel O'Connor,
Mr. Waddell,	Mr. Nelson,
Mr. Perry,	Mr. Kidd,
Mr. Law,	Mr. Pyers,
Mr. Power,	Mr. John Storey,
Mr. Burgess,	Mr. Alexander Campbell,
Mr. McGowen,	Mr. W. F. Hurley,
Mr. Webster,	Mr. Hollis,
Mr. Jones,	Mr. J. F. Smith.
Mr. Meagher,	
Mr. Sullivan,	<i>Tellers,</i>
Sir John See,	Mr. Scobie,
Mr. Clara,	Mr. MacMahon.
Mr. Anderson,	
Mr. Crick,	
Mr. Williams,	
Mr. Archer,	
Mr. Thomson,	
Mr. McFarlane,	

*Negatived.*

And the Committee having furthered considered the Resolution as proposed,—  
On motion of Sir John See, the Chairman left the Chair to report progress and ask leave to sit again.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 10.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 6 OCTOBER, 1903.

No. 1.

## JUVENILE SMOKING SUPPRESSION BILL:—

(Consideration of Legislative Council's amendments referred to in Message of 30 September, 1903.)

Motion made (Dr. Ross),—That the Committee agree to the Legislative Council's amendments in the Bill.

And the Committee requiring the amendments to be put *seriatim*,—

The amendment in clause 1, line 5, agreed to.

Clause 1, line 6. *After* "person," second occurring, insert "actually 'or apparently'" (Considered.)

Motion made (Dr. Ross),—That the Committee agree to the Council's amendment in clause 1, line 6.

Amendment moved (Mr. Sleath) to leave out the words "or apparently."

Question proposed,—That the words proposed to be left out stand part of the amendment.

Motion made (Mr. Frank Farnell), "That the Question be now put,"—and Question put.

Committee divided.

Ayes, 38.

Mr. Archer,	Mr. Wood,
Mr. Waddell,	Mr. Brinsley Hall,
Mr. Frank Farnell,	Mr. O'Connor,
Dr. Ross,	Mr. Henry Clarke,
Mr. Quinn,	Mr. Archibald Campbell,
Sir John See,	Mr. Nelson,
Mr. John Hurley,	Mr. Young,
Mr. Davidson,	Mr. Webster,
Mr. Hayes,	Mr. Burgess,
Mr. Cohen,	Mr. MacMahon,
Mr. Perry,	Mr. McLaurin,
Mr. O'Sullivan,	Mr. Collins,
Mr. Carruthers,	Mr. Briner,
Mr. Evans,	Mr. Millard,
Mr. T. R. Smith,	Mr. John Storey,
Mr. Kidd,	Mr. J. F. Smith.
Mr. W. F. Hurley,	<i>Tellers,</i>
Mr. Coleman,	Mr. Wade,
Mr. McFarlane,	Mr. Thomson.
Mr. Donaldson,	

Noes, 28.

Mr. Moore,	Mr. Miller,
Mr. MacKenzie,	Mr. Carroll,
Mr. Latimer,	Mr. Nicholson,
Mr. Levy,	Mr. Gormly,
Mr. E. M. Clark,	Mr. Gilbert,
Mr. Haynes,	Mr. Dick.
Mr. Mahony,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	Mr. Williams,
Mr. Sleath,	Mr. Estell.
Mr. Fallick,	
Mr. Affleck,	
Mr. Phillips,	
Mr. Ferguson,	
Mr. Eden George,	
Mr. Meagher,	
Mr. Kelly,	
Mr. Sullivan,	
Mr. Hollis,	
Mr. Scobie,	
Mr. Fegan,	

*Not decided in the Affirmative.*

And the amendment having been further considered.

On motion of Dr. Ross, the Chairman left the Chair to report progress and ask leave to sit again To-morrow.

R. W. ROBERTSON,  
Clerk Assistant.

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

1964

PHILOSOPHY DEPARTMENT

PHILOSOPHY DEPARTMENT

PHILOSOPHY DEPARTMENT

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 11.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 14 OCTOBER, 1903.

No. 1.

GOVERNMENT SAVINGS BANK (AMENDMENT) BILL :—  
(Resolution.)

Mr. Waddell moved, That the Committee agree to the following Resolution :—

Resolved,—That it is expedient to bring in a Bill to amend the Government Savings Bank Act, 1902.

Motion made (*Mr. Mahony*), That the Resolution be amended by adding the words "in respect of the limit of deposits, and the computation and payment of interest thereon."

And the Committee continuing to sit after Midnight,—

THURSDAY, 15 OCTOBER, 1903, A.M.

Question put,—That the words proposed to be added be so added.

Committee divided.

Ayes, 28.

Mr. Davidson,	Mr. Oakes,
Mr. McCoy,	Mr. Morton,
Mr. Lee,	Mr. Ashton.
Mr. E. M. Clark,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	Mr. Nobbs,
Mr. Carruthers,	Mr. Garland.
Mr. Mahony,	
Mr. Jessop,	
Mr. Cohen,	
Mr. Mackenzie,	
Mr. Levy,	
Mr. Law,	
Mr. Latimer,	
Mr. Dick,	
Mr. Gilbert,	
Mr. Millard,	
Mr. Carroll,	
Mr. Ferguson,	
Mr. Archibald Campbell,	
Mr. David Storey,	
Mr. Broughton,	
Mr. Fullick,	
Mr. Coleman,	

Noes, 43.

Mr. Fegan,	Mr. Richards,
Mr. Perry,	Mr. Pyers,
Sir John See,	Mr. Quirk,
Mr. O'Sullivan,	Mr. Nicholson,
Mr. Waddell,	Mr. John Storey,
Mr. Crick,	Mr. Arthur Griffith,
Mr. Kelly,	Mr. MacMahon,
Mr. W. F. Hurley,	Mr. Willis,
Mr. Barnes,	Mr. Burgess,
Mr. Jones,	Mr. Nielsen,
Mr. McNeill,	Mr. Nelson,
Mr. Byrne,	Mr. Archer,
Mr. Anderson,	Mr. McLaurin,
Mr. Meagher,	Mr. J. F. Smith,
Mr. Collins,	Mr. Macdonald,
Mr. Clara,	Mr. Estell,
Mr. Macdonell,	Mr. Briner,
Mr. Daley,	Mr. D. R. Hall.
Mr. Scobie,	<i>Tellers,</i>
Mr. Sullivan,	Mr. Williams,
Mr. Power,	Mr. Thomson.
Mr. Daniel O'Connor,	
Mr. Young,	

*Addition of words negatived.*

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No. 2.

No. 2.

SAME BILL.

*(Same Resolution.)*

Question put,—That the Committee agree to the Resolution as proposed.  
 Committee divided.

Ayes, 43.

Mr. Waddell,	Mr. Pyers,
Mr. Crick,	Mr. Barnes,
Sir John See,	Mr. Nicholson,
Mr. Perry,	Mr. Nelson,
Mr. O'Sullivan,	Mr. Clara,
Mr. Arthur Griffith,	Mr. Archer,
Mr. Anderson,	Mr. John Storey,
Mr. Fegan,	Mr. Young,
Mr. W. F. Hurley,	Mr. McLaurin,
Mr. Byrne,	Mr. J. F. Smith,
Mr. Jones,	Mr. McNeill,
Mr. Scobie,	Mr. Burgess,
Mr. Nielsen,	Mr. Willis,
Mr. Meagher,	Mr. Estel,
Mr. Power,	Mr. Macdonald,
Mr. Daley,	Mr. Briner,
Mr. Daniel O'Connor,	Mr. Richards,
Mr. Kelly,	Mr. D. R. Hall.
Mr. Williams,	<i>Tellers,</i>
Mr. Thomson,	Mr. Quirk,
Mr. Collins,	Mr. Macdonell.
Mr. Sullivan,	
Mr. MacMahon,	

Noes, 20.

Mr. Lee,
Mr. McCoy,
Mr. Cohen,
Mr. Mackenzie,
Mr. Jessep,
Mr. Nobbs,
Mr. David Storey,
Mr. Levy,
Mr. J. C. L. Fitzpatrick,
Mr. Law,
Mr. E. M. Clark,
Mr. Davidson,
Mr. Broughton,
Mr. Ferguson,
Mr. Archibald Campbell,
Mr. Latimer,
Mr. Carroll,
Mr. Millard.
<i>Tellers,</i>
Mr. Dick,
Mr. Gilbert.

*Resolution, as proposed, agreed to.*

On motion of Mr. Waddell, the Chairman left the Chair to report the Resolution to the House.

R. W. ROBERTSON,  
 Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 12.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 20 OCTOBER, 1903.

No. 1.

## JUVENILE SMOKING SUPPRESSION BILL:—

(Further consideration of Legislative Council's amendments referred to in Message of 30th September, 1903.)

Amendment to leave out words "or apparently" from Council's amendment in clause 1, line 6.  
(Further considered.)

Question again proposed,—That the words proposed to be left out stand part of the amendment.

Motion made (Mr. Jessop), "That the Question be now put,"—and Question put.

Committee divided.

Ayes, 47.

Mr. Kidd,	Mr. Henry Clarke,	Mr. Rose,
Mr. Nobbs,	Mr. Waddell,	Mr. Young,
Sir John See,	Mr. Webster,	Mr. John Storey,
Dr. Ross,	Mr. D. R. Hall,	Mr. Lee,
Mr. Mahony,	Mr. J. C. L. Fitzpatrick,	Mr. E. M. Clark,
Mr. O'Sullivan,	Mr. Mackenzie,	Mr. Meagher,
Mr. Levy,	Mr. McGowen,	Mr. J. F. Smith,
Mr. Perry,	Mr. Jessop,	Mr. Pyers,
Mr. Garland,	Mr. Affleck,	Mr. Carroll,
Mr. Carruthers,	Mr. Eden George,	Mr. Collins,
Mr. Arthur Griffith,	Mr. Ferguson,	Mr. Fegan,
Mr. Cohen,	Mr. Wood,	<i>Tellers,</i>
Mr. Davidson,	Mr. Clara,	Mr. Williams,
Mr. W. F. Hurley,	Mr. McFarlane,	Mr. Gillies.
Mr. Archer,	Mr. Hawthorne,	
Mr. T. R. Smith,	Mr. Coleman,	
Mr. Thomas Fitzpatrick,	Mr. Burgess,	

Noes, 14.

Mr. Moore,
Mr. Crick,
Mr. Alexander Campbell,
Mr. Sleath,
Mr. Sullivan,
Mr. MacMahon,
Mr. Macdonell,
Mr. Jones,
Mr. Quinn,
Mr. Gormly,
Mr. McLaurin,
Mr. Nicholson,
<i>Tellers,</i>
Mr. Scobie,
Mr. Macdonald.

Agreed to.

No. 2.

## SAME BILL.

Same amendment.

Question put,—That the words proposed to be left out stand part of the amendment.

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334—A

Committee

Committee divided.

Ayes, 49.		Noes, 12.	
Mr. Kidd,	Mr. Webster,	Mr. Young,	Mr. Mahony,
Mr. McGowen,	Mr. Nobbs,	Mr. John Storey,	Mr. Moore,
Sir John See,	Mr. D. R. Hall,	Mr. Lee,	Mr. Sleath,
Dr. Ross,	Mr. Anderson,	Mr. Thomson,	Mr. Quinn,
Mr. J. C. L. Fitzpatrick,	Mr. Mackenzie,	Mr. Meagher,	Mr. Alexander Campbell,
Mr. Levy,	Mr. Crick,	Mr. J. F. Smith,	Mr. Sullivan,
Mr. Garland,	Mr. Eden George,	Mr. E. M. Clark,	Mr. MacMahon,
Mr. Carruthers,	Mr. Ferguson,	Mr. Pyers,	Mr. Nicholson,
Mr. Arthur Griffith,	Mr. Wood,	Mr. Carroll,	Mr. Scobie,
Mr. Cohen,	Mr. Williams,	Mr. Collins,	Mr. Macdonald.
Mr. Davidson,	Mr. Clara,	Mr. Fegan,	<i>Tellers,</i>
Mr. W. F. Hurley,	Mr. Gillies,	Mr. McLaurin,	Mr. Jones,
Mr. Waddell,	Mr. McFarlane,	Mr. Gormly,	Mr. Macdonell.
Mr. Archer,	Mr. Hawthorne,	<i>Tellers,</i>	
Mr. T. R. Smith,	Mr. Coleman,	Mr. Jessep,	
Mr. Thomas Fitzpatrick,	Mr. Burgess,	Mr. Afleck,	
Mr. Henry Clarke,	Mr. Rose,		

*Omission of words negatived.*

No. 3.

SAME BILL.

*Same Amendment.*

Question put, That the Committee agree to the Council's amendment in clause 1, line 6.  
Committee divided.

Ayes, 41.		Noes, 15.	
Mr. Kidd,	Mr. Thomas Fitzpatrick,	Mr. Mackenzie,	Mr. Coleman,
Sir John See,	Mr. Ferguson,	Mr. McFarlane,	Mr. Alexander Campbell,
Mr. McLaurin,	Mr. Webster,	Mr. Gormly,	Mr. T. R. Smith,
Dr. Ross,	Mr. Williams,	Mr. John Storey,	Mr. Mahony,
Mr. Anderson,	Mr. Hawthorne,	Mr. Carroll,	Mr. Moore,
Mr. Crick,	Mr. W. F. Hurley,	<i>Tellers,</i>	Mr. Sleath,
Mr. Garland,	Mr. Afleck,	Mr. Arthur Griffith,	Mr. Jones,
Mr. O'Sullivan,	Mr. Davidson,	Mr. Levy,	Mr. Macdonell,
Mr. Fegan,	Mr. Clara,		Mr. Scobie,
Mr. Cohen,	Mr. J. C. L. Fitzpatrick,		Mr. E. M. Clark,
Mr. Carruthers,	Mr. Wood,		Mr. Quinn,
Mr. Gillies,	Mr. Rose,		Mr. Nicholson,
Mr. Eden George,	Mr. Jessep,		Mr. Macdonald.
Mr. Hogue,	Mr. Collins,		<i>Tellers,</i>
Mr. Archer,	Mr. Lee,		Mr. Sullivan,
Mr. Young,	Mr. Burgess,		Mr. MacMahon.
Mr. D. R. Hall,	Mr. McGowen,		

*Amendment agreed to.*

On motion of Dr. Ross the Temporary Chairman left the Chair to report that the Committee had agreed to the Council's amendments in the Bill.

No. 4.

SUPPLY—ESTIMATES OF EXPENDITURE, 1903-1904.

*Schedules A, B, and C to Schedule I.*

Question proposed, That there be granted to His Majesty a sum not exceeding £1,328, for Supplement to Schedule B, for the year 1903-1904.

Motion made (*Mr. Eden George*) to omit item "Colonel Warner Wright Spalding, C.M.G. £275,"—and Question put.

Committee divided.

Ayes, 21.		Noes, 44.	
Mr. Arthur Griffiths,	Mr. W. F. Hurley,	Mr. McLaurin,	
Mr. Sleath,	Mr. Cohen,	Mr. Levien,	
Mr. J. C. L. Fitzpatrick,	Mr. Anderson,	Mr. Macdonald,	
Mr. Levy,	Mr. Mahony,	Mr. Kidd,	
Mr. Morton,	Mr. Carruthers,	Mr. Henry Clarke,	
Mr. Haynes,	Mr. Moore,	Mr. Fegan,	
Mr. John Storey,	Mr. Crick,	Mr. Thomas Fitzpatrick,	
Mr. Jones,	Sir John See,	Mr. Garland,	
Mr. Nobbs,	Mr. Rose,	Mr. David Storey,	
Mr. Eden George,	Dr. Ross,	Mr. Waddell,	
Mr. Miller,	Mr. Mackenzie,	Mr. McFarlane,	
Mr. Nicholson,	Mr. Wood,	Mr. Archer,	
Mr. Burgess,	Mr. Davidson,	Mr. Pyers,	
Mr. Scobie,	Mr. Fallick,	Mr. Young,	
Mr. D. R. Hall,	Mr. Fleming,	Mr. Quinn,	
Mr. MacMahon,	Mr. Afleck,	Mr. Richards,	
Mr. Gormly,	Mr. O'Sullivan,	Mr. Collins,	
Mr. Law,	Mr. Power,	Mr. Latimer,	
Mr. Daley.	Mr. Barnes,	Mr. Brunker.	
<i>Tellers,</i>	Mr. T. R. Smith,	<i>Tellers,</i>	
Mr. Webster,	Mr. Gillies,	Mr. Oakes,	
Mr. Hollis.	Mr. Alexander Campbell,	Mr. Jessep.	
	Mr. Byrne,		

*Omission of item negatived.*

No. 5.



No. 5

*Same Estimate.*

Motion made (*Mr. J. C. L. Fitzpatrick*) to omit item "Colonel George John Airey, £250,"—and Question put.

Committee divided.

Ayes, 20.

Mr. Nobbs,  
Mr. Sleath,  
Mr. J. C. L. Fitzpatrick,  
Mr. Levy,  
Mr. Arthur Griffith,  
Mr. Macdonell,  
Mr. Webster,  
Mr. Hollis,  
Mr. Morton,  
Mr. John Storey,  
Mr. Jones,  
Mr. Eden George,  
Mr. Nicholson,  
Mr. Burgess,  
Mr. Miller,  
Mr. MacMahon,  
Mr. D. R. Hall,  
Mr. Gormly.

Tellers,

Mr. Law,  
Mr. Daley.

Noes, 43.

Mr. W. F. Hurley,	Mr. Fegan,
Mr. Cohen,	Mr. Levien,
Mr. Quinn,	Mr. McFarlane,
Mr. Mahony,	Mr. Henry Clarke,
Mr. Carruthers,	Mr. Brunker,
Mr. Moore,	Mr. Latimer,
Mr. Jessop,	Mr. Collins,
Mr. Anderson,	Mr. Kidd,
Sir John See,	Mr. Richards,
Mr. Oakes,	Mr. Young,
Mr. Coleman,	Mr. Pyers,
Mr. Rose,	Mr. Archer,
Dr. Ross,	Mr. Alexander Campbell,
Mr. Mackenzie,	Mr. Scobie,
Mr. Wood,	Mr. Waddell,
Mr. Davidson,	Mr. Garland,
Mr. Fallick,	Mr. Macdonald,
Mr. Afleck,	Mr. Thomas Fitzpatrick.
Mr. Fleming,	
Mr. Barnes,	Tellers,
Mr. T. R. Smith,	Mr. Byrne,
Mr. O'Sullivan,	Mr. Gillies.
Mr. Power,	

*Omission of item negatived.*

No. 6.

*Same Estimate.*

Motion made (*Mr. Sleath*) to reduce item "Mrs. E. Hammond, widow of Lieutenant T. Hammond, £200" by £10,—and Question put.

Committee divided.

Ayes, 24.

Mr. Law,	Mr. Alexander Campbell
Mr. Sleath,	Tellers,
Mr. Scobie,	
Mr. J. C. L. Fitzpatrick,	Mr. Burgess.
Mr. Williams,	Mr. D. R. Hall.
Mr. Nielsen,	
Mr. Gillies,	
Mr. Afleck,	
Mr. Nobbs,	
Mr. Hollis,	
Mr. MacMahon,	
Mr. Ferguson,	
Mr. Macdonald,	
Mr. Young,	
Mr. Nicholson,	
Mr. Morton,	
Mr. Fleming,	
Mr. Arthur Griffith	
Mr. John Storey,	
Mr. Miller,	
Mr. Jones,	

Noes, 40.

Mr. Cohen,	Mr. Collins,
Mr. Rose,	Sir John See,
Mr. Mahony,	Mr. Power,
Mr. Fegan,	Mr. Quinn,
Mr. Moore,	Mr. Waddell,
Mr. Carruthers,	Mr. Daley,
Mr. Jessop,	Mr. Daniel O'Connor,
Mr. Anderson,	Mr. Latimer,
Mr. E. M. Clark,	Mr. Archer,
Mr. Crick,	Mr. Richards,
Mr. Garland,	Mr. Barnes,
Mr. Davidson,	Mr. Levien,
Dr. Ross,	Mr. Archibald Campbell,
Mr. McCoy,	Mr. Kidd,
Mr. Moxham,	Mr. J. F. Smith,
Mr. Mackenzie,	Mr. Carroll,
Mr. Hawthorne,	Mr. Pyers.
Mr. Brunker,	Tellers,
Mr. O'Sullivan,	
Mr. W. F. Hurley,	Mr. Oakes,
Mr. McFarlane,	Sir Thomson.

*Reduction of item negatived.**Estimate, Supplement to Schedule B, (£1,328), agreed to.*

And the Estimate, Vice-President of the Executive Council and Representative of the Government in the Legislative Council, having been dealt with.

No. 7.

*Legislative Council.*

Motion made (*Mr. Afleck*) to reduce item "President, £1,100" by £100,—and Question put.

Committee divided.

Ayes, 30.

Mr. Oakes,	Mr. Byrne,
Mr. McCoy,	Mr. Young,
Mr. Sleath,	Mr. D. R. Hall,
Mr. Scobie,	Mr. Fleming,
Mr. Davidson,	Mr. Ferguson,
Mr. J. C. L. Fitzpatrick,	Mr. MacDonell,
Mr. Williams,	Mr. Daley,
Mr. Nielsen,	Mr. Millard,
Mr. Afleck,	Mr. Jones,
Mr. Price,	Mr. Power,
Mr. Moxham,	Mr. Nobbs,
Mr. Wood,	Mr. Miller.
Mr. MacMahon,	
Mr. Hollis,	Tellers,
Mr. Burgess,	Mr. Jessop,
Mr. McLaurin,	Mr. Law.

Noes, 29.

Mr. Carruthers,	Mr. Latimer,
Mr. Mackenzie,	Mr. Quinn,
Mr. O'Sullivan,	Mr. Morton,
Mr. Fegan,	Mr. Hawthorne,
Mr. E. M. Clark,	Mr. Anderson,
Sir John See,	Mr. Alexander Campbell,
Mr. Crick,	Mr. Brunker,
Mr. Daniel O'Connor,	Mr. Archer,
Mr. Gillies,	Mr. Thomson,
Mr. Waddell,	Mr. Richards,
Mr. Kidd,	Mr. Carroll.
Mr. Macdonald,	Tellers,
Mr. W. F. Hurley,	
Mr. Pyers,	Mr. Collins,
Mr. Nicholson,	Mr. John Storey.
Mr. Archibald Campbell,	

*Reduction of item agreed to.*

On motion of Sir John See the Temporary Chairman left the Chair to report progress and ask leave to sit again.

WEDNESDAY,

WEDNESDAY, 21 OCTOBER, 1903.

No. 8.

SUPPLY—ESTIMATES OF EXPENDITURE, 1903-1904.

The reduced Estimate (£5,877) for Legislative Council having been agreed to,—

*Legislative Assembly:—*

Question proposed,—That there be granted to His Majesty a sum not exceeding £10,908 for Legislative Assembly.

Motion made (*Mr. Afleck*), to reduce the item "Speaker, £1,370," by £170,—and Question put. Committee divided.

Ayes, 11.

Mr. Jessop,  
Mr. Levy,  
Mr. Hollis,  
Mr. Oakes,  
Mr. Fleming,  
Mr. Miller,  
Mr. Young,  
Mr. Sleath,  
Mr. Gillies.  
*Tellers,*  
Mr. Law,  
Mr. Afleck.

Mr. Moore,  
Mr. Cohen,  
Mr. Frank Farnell,  
Mr. Nobbs,  
Mr. Garland,  
Mr. Perry,  
Mr. O'Sullivan,  
Mr. Davis,  
Sir John See,  
Mr. Hayes,  
Mr. Ferguson,  
Mr. Carruthers,  
Dr. Rose,  
Mr. Coleman,

Noes, 38.

Mr. Rose,  
Mr. W. F. Hurley,  
Mr. Davidson,  
Mr. Mackenzie,  
Mr. Brunker,  
Mr. Whiddon,  
Mr. T. B. Smith,  
Mr. Scobie,  
Mr. Nielsen,  
Mr. Brinsley Hall,  
Mr. Dight,  
Mr. Archer,  
Mr. McFarlane,  
Mr. Latimer,

Mr. Quinn,  
Mr. Henry Clarke,  
Mr. Richards,  
Mr. Nicholson,  
Mr. Gormly,  
Mr. Levien,  
Mr. Waddell,  
Mr. Carroll.  
*Tellers,*  
Mr. Clark,  
Mr. Williams.

*Reduction of item negatived.**Estimate, Legislative Assembly, agreed to.*

And the Estimates, Legislative Council and Assembly, Parliamentary Library, Parliamentary Reporting Staff, Parliamentary Standing Committee on Public Works, Colonial Secretary, Auditor-General, Aborigines Protection Board, having been dealt with,—

And the Committee continuing to sit after Midnight,—

THURSDAY, 22 OCTOBER, 1903, A.M.

And the Estimates Police, Lunacy, Master-in-Lunacy, Medical Board, The Chief Medical Officer of the Government, Government Statistician, and Agent-General for New South Wales, having been dealt with,—

On motion of Sir John See, the Temporary Chairman left the Chair to report progress and ask leave to sit again.

THURSDAY, 22 OCTOBER, 1903.

No. 9.

SUPPLY—ESTIMATES OF EXPENDITURE, 1903-1904.

The Estimates for Government Asylums for the Infirm, State Children Relief Department, Fisheries Commission, having been dealt with,—

And the Committee continuing to sit after Midnight,—

FRIDAY, 23 OCTOBER, 1903, A.M.

And the Estimates Fire Brigades, Botanic Gardens, Nursery Garden (Campbelltown), Government Domain (Outer), Garden Palace Grounds, Centennial Park, Electoral Office, Registrar-General and Examiner of Patents, and Registrar of Copyright, having been dealt with, and the Estimate Sydney Harbour Trust postponed.

*Stores Supply and Tender Board:—*

Question proposed,—That there be granted to His Majesty a sum not exceeding £132,437 for Stores Supply and Tender Board.

Motion made (*Mr. Afleck*), to omit item "Fees to Members of Board, £350," and Question put. Committee divided.

Ayes, 19.

Mr. Afleck,  
Mr. John Hurley,  
Mr. J. C. L. Fitzpatrick, Mr. Estell,  
Mr. Jessop, Mr. Hollis.  
Mr. Jones,  
Mr. Woods,  
Mr. Nobbs,  
Mr. O'Connor,  
Mr. Price,  
Mr. John Storey,  
Mr. Arthur Griffith,  
Mr. Coleman,  
Mr. Millard,  
Mr. McNeill,  
Mr. McGowen,  
Mr. Carroll,  
Mr. E. M. Clark.

*Tellers,*

Noes, 32.

Mr. Broughton,  
Mr. Mackenzie,  
Mr. O'Sullivan,  
Mr. Perry,  
Mr. Frank Farnell,  
Sir John See,  
Mr. Daniel O'Connor,  
Mr. D. R. Hall,  
Mr. Holman,  
Mr. Cohen,  
Mr. W. F. Hurley,  
Mr. Latimer,  
Mr. Evans,  
Mr. Archibald Campbell,  
Mr. Phillips,  
Mr. Edden,  
Mr. Kidd,  
Mr. Williams,  
Mr. Davis,  
Mr. Nicholson,  
Mr. Nielsen,  
Mr. Scobie,  
Mr. Burgess,  
Mr. Quirk,  
Mr. Pyers,  
Mr. Dight,  
Mr. Anderson,  
Mr. Quinn,  
Mr. Brinsley Hall,  
Mr. Collins.  
*Tellers,*  
Mr. Clark,  
Mr. Thomson.

*Omission of item negatived.*

No. 10.

*Same Estimate:—*

Motion made (*Mr. J. O. L. Fitzpatrick*), to reduce item, £350, by £300,—and Question put.  
Committee divided.

Ayes, 25.

Mr. Coleman,	Mr. Edden,
Mr. Mackenzie,	Mr. Estell,
Mr. D. R. Hall,	Mr. Broughton,
Mr. Arthur Griffith,	Mr. O'Connor,
Mr. John Storey,	Mr. Nobbs,
Mr. Price,	Mr. McNeill,
Mr. Afleck,	Mr. Brinsley Hall,
Mr. E. M. Clark,	Mr. Carroll,
Mr. J. C. L. Fitzpatrick,	Mr. McGowen.
Mr. Jessep,	<i>Tellers,</i>
Mr. Jones,	
Mr. Cohen,	Mr. Holman,
Mr. Hollis,	Mr. John Hurley.
Mr. Wood,	

Noes, 25.

Mr. O'Sullivan,	Mr. Dight,
Mr. Perry,	Mr. Pyers,
Mr. Frank Farnell,	Mr. Quirk,
Sir John See,	Mr. Burgess,
Mr. Daniel O'Connor,	Mr. Scobie,
Mr. W. F. Hurley,	Mr. Nielsen,
Mr. Latimer,	Mr. Nicholson,
Mr. Evans,	Mr. Thomson,
Mr. Archibald Campbell,	Mr. Collins.
Mr. Phillips,	<i>Tellers,</i>
Mr. Kidd,	
Mr. Davis,	Mr. Clara,
Mr. Quinn,	Mr. Williams.
Mr. Anderson,	

The numbers being equal, the Chairman gave his casting vote with the *Noes* and declared the reduction negatived.

*Estimate, Stores Supply and Tender Board, agreed to.*

And the Estimate for Charitable Allowances and Miscellaneous Services having been dealt with, On motion of Sir John See the Chairman left the Chair to report progress and ask leave to sit again.

R. W. ROBERTSON,  
Clerk Assistant.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 13.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

TUESDAY, 27 OCTOBER, 1903.

No. 1.

SUPPLY—ESTIMATES OF EXPENDITURE, 1903-1904.

*Treasury.*

Question proposed, That there be granted to His Majesty a sum not exceeding £24,294 for Treasury.

Motion made (*Mr. Affleck*) to reduce item, "Examiner of Accounts, £500," by £25,—and Question put.

Committee divided.

## Ayes, 11.

Mr. Affleck,  
Mr. Hogue,  
Mr. Miller,  
Mr. J. C. L. Fitzpatrick,  
Mr. MacMahon,  
Mr. Estell,  
Mr. Brinsley Hall,  
Mr. Moxham,  
Mr. McNeill.

• *Tellers,*

Mr. Jessop,  
Mr. Kelly.

## Noes, 53.

Mr. Cohen,  
Mr. McCoy,  
Mr. Haynes,  
Mr. Wood,  
Mr. Wade,  
Mr. Mahony,  
Mr. Carruthers,  
Mr. Nobbs,  
Mr. Garland,  
Mr. Levy,  
Mr. Waddell,  
Mr. Anderson,  
Mr. Fegan,  
Mr. Edon George,  
Mr. Brunner,  
Mr. Barnes,  
Mr. Frank Farnell,  
Mr. W. F. Hurley,  
Mr. Fallick,

Mr. Mackenzie,  
Mr. Davidson,  
Mr. Millard,  
Dr. Ross,  
Mr. Coleman,  
Mr. Nielsen,  
Mr. Daniel O'Connor,  
Mr. Latimer,  
Mr. Alexander Campbell,  
Mr. Byrne,  
Mr. Archer,  
Mr. Thomson,  
Mr. Henry Clarke,  
Mr. McFarlane,  
Mr. Davis,  
Mr. McGowen,  
Mr. O'Connor,  
Mr. Willis,  
Mr. Raymond,

Mr. Richards,  
Mr. Pyers,  
Mr. Gornly,  
Mr. J. F. Smith,  
Mr. Jones,  
Mr. Quirk,  
Mr. Crick,  
Mr. Dacey,  
Mr. Thomas Fitzpatrick,  
Mr. Arthur Griffith,  
Mr. Kidd,  
Mr. Perry,  
Mr. Quinn.

*Tellers,*

Mr. Williams,  
Mr. Scobie.

*Reduction of item negatived.**Estimate, Treasury, agreed to.*

And the Estimates, Stamp Duties, Land and Income Tax, Gold Receivers, Gold and Escort, Government Printer, and Explosives, having been dealt with,—

And the Committee continuing to sit after midnight,—

WEDNESDAY, 23 OCTOBER, 1903, A.M.

And the remaining Estimates under Department of Treasurer and Secretary for Finance and Trade having been dealt with,—

No. 2.

RAILWAYS.

Question proposed, "That there be granted to His Majesty a sum not exceeding £2,923,960 for Railways and Tramways."

Motion made (*Mr. McGowen*) to reduce item, "Assistant Electrical Engineers and Draftsman, £2,765," by £200,—and Question put.

Committee divided.

Ayes, 20.

Mr. Young,	Mr. O'Conor,
Mr. Scobie,	Mr. Brinsley Hall,
Mr. McGowen,	Mr. John Storey,
Mr. McNeill,	Mr. D. R. Hall.
Mr. Williams,	<i>Tellers,</i>
Mr. E. M. Clark,	
Mr. Richards,	Mr. Hollis,
Mr. J. C. L. Fitzpatrick,	Mr. Nielsen.
Mr. Miller,	
Mr. MacMahon,	
Mr. Nelson,	
Mr. Archer,	
Mr. Burgess,	
Mr. Thomson,	

Noes, 12.

Mr. W. F. Hurley,
Mr. Fegan,
Mr. Perry,
Mr. Daniel O'Connor,
Mr. Waddell,
Mr. Gilbert,
Mr. Millard,
Mr. Latimer,
Mr. Thomas Fitzpatrick,
Mr. Quirk.
<i>Tellers,</i>
Mr. Anderson,
Mr. Garland.

*Reduction of item agreed to.*

No. 3.

Same Estimate.

Motion made (*Mr. Miller*) to reduce item, "Tramway Superintendent, £800," by £100,—and Question put.

Committee divided.

Ayes, 17.

Mr. Nielsen,	Mr. McNeill,
Mr. Hollis,	Mr. John Storey,
Mr. McGowen,	Mr. Brinsley Hall,
Mr. E. M. Clark,	Mr. Young,
Mr. J. C. L. Fitzpatrick,	Mr. Miller.
Mr. MacMahon,	<i>Tellers,</i>
Mr. Richards,	
Mr. Burgess,	Mr. Jessop,
Mr. Thomson,	Mr. Scobie.
Mr. D. R. Hall,	

Noes, 16.

Mr. Fegan,	Mr. Quirk,
Mr. W. F. Hurley,	Mr. Latimer,
Mr. O'Conor,	Mr. Millard,
Mr. Garland,	Mr. Gilbert.
Mr. Daniel O'Connor,	<i>Tellers,</i>
Mr. Waddell,	
Mr. Perry,	Mr. Archer,
Mr. Anderson,	Mr. Williams.
Mr. Thomas Fitzpatrick,	
Mr. Nelson,	

*Reduction of item agreed to.*

Reduced estimate, £2,923,660, for Railways and Tramways agreed to.

On motion of Mr. Waddell, the Chairman left the Chair to report progress and ask leave to sit again.

WEDNESDAY, 23 OCTOBER, 1903.

No. 4.

SUPPLY—ESTIMATES OF EXPENDITURE, 1903-1904.

Department of the Attorney-General and of Justice.

Question proposed,—“That there be granted to His Majesty a sum not exceeding £49,000 for Department of the Attorney-General and of Justice.”

Motion made (*Mr. Arthur Griffith*), to reduce the item, "Salary of Acting Chief Justice, £1,600," by £450,—and Question put.

Committee divided.

Ayes, 36.

Mr. Hollis,	Mr. Clara,
Mr. Macdonell,	Mr. Burgess,
Mr. Eden George,	Mr. Nielsen,
Mr. J. C. L. Fitzpatrick,	Mr. McGowen,
Mr. Kelly,	Mr. J. F. Smith,
Mr. Scobie,	Mr. Byrne,
Mr. Power,	Mr. Edden,
Mr. MacMahon,	Mr. Gormly,
Mr. Pyers,	Mr. John Storey,
Mr. Nobbs,	Mr. D. R. Hall,
Mr. Affleck,	Mr. Miller,
Mr. Law,	Mr. Millard,
Mr. Arthur Griffith,	Mr. Moore.
Mr. Estell,	Mr. Ferguson,
Mr. Williams,	<i>Tellers,</i>
Mr. Wincheombe,	
Mr. Fallick,	Mr. Levy,
Mr. Brinsley Hall,	Mr. Moxham.
Mr. Young,	

Noes, 35.

Mr. W. F. Hurley,	Mr. Hayes,
Mr. Mackenzie,	Mr. Anderson,
Mr. Cohen,	Mr. Evans,
Mr. Carruthers,	Mr. Raymond,
Mr. McCoy,	Mr. Archer,
Mr. Mahony,	Mr. Davis,
Mr. Perry,	Mr. Kidd,
Sir John See,	Mr. Barnes,
Mr. Fegan,	Mr. Nicholson,
Mr. Jessop,	Mr. Quinn,
Mr. Rose,	Mr. Morton,
Dr. Ross,	Mr. Latimer,
Mr. Coleman,	Mr. Nelson,
Mr. Davidson,	Mr. Dight.
Mr. Hawthorne,	<i>Tellers,</i>
Mr. Brunner,	
Mr. Garland,	Mr. Richards,
Mr. Wade,	Mr. Quirk.
Mr. Hogue,	

The Chairman called the attention of the Committee to an inaccuracy in the Lists, the names recorded for the *Ayes* being only 35, while the number given by the *Tellers* was 36; he therefore directed a fresh division to be taken.

Committee

Committee again divided.

Ayes, 39.

Mr. Macdonell,	Mr. Young,
Mr. J. C. L. Fitzpatrick,	Mr. Brinsley Hall,
Mr. Levy,	Mr. Moxham,
Mr. Scobie,	Mr. Broughton,
Mr. Kelly,	Mr. Fallick,
Mr. Hollis,	Mr. Eden George,
Mr. Power,	Mr. J. F. Smith,
Mr. Pyers,	Mr. Byrne,
Mr. MacMahon,	Mr. Edden,
Mr. Jones,	Mr. Gormly,
Mr. Miller,	Mr. John Storey,
Mr. Winchcombe,	Mr. D. R. Hall,
Mr. Nobbs,	Mr. Ferguson,
Mr. Oakes,	Mr. Moore,
Mr. Estell,	Mr. Millard,
Mr. Williams,	Mr. Nielsen.
Mr. Affleck,	
Mr. McGowen,	<i>Tellers,</i>
Mr. Jessop,	Mr. Law,
Mr. Burgess,	Mr. Arthur Griffith.
Mr. Clara,	

Noes, 38.

Mr. Wood,	Mr. Richards,
Mr. Garland,	Mr. Hayes,
Mr. Cohen,	Mr. Dight,
Mr. Mackenzie,	Mr. Fegan,
Mr. Carruthers,	Mr. Thomson,
Mr. McCoy,	Mr. Holman,
Mr. Mahony,	Mr. Quirk,
Mr. Hogue,	Mr. Archer,
Sir John See,	Mr. Kidd,
Mr. Perry,	Mr. Byrne,
Mr. Rose,	Mr. Reymond,
Dr. Ross,	Mr. Nicholson,
Mr. Coleman,	Mr. Nelson,
Mr. Davidson,	Mr. Quinn,
Mr. W. F. Hurley,	Mr. Latimer,
Mr. Brunner,	Mr. Morton,
Mr. Hawthorne,	
Mr. Wade,	<i>Tellers,</i>
Mr. Waddell,	Mr. Evans,
Mr. Anderson,	Mr. Willis.

*Reduction of item agreed to.*

No. 5.

*Same Estimate.*

Motion made (*Mr. Affleck*) to reduce item, "Crown Solicitor, £1,610," by £440,—and  
Question put.

Committee divided.

Ayes, 24.

Mr. Jessop,	Mr. Young,
Mr. Kelly,	Mr. Gormly,
Mr. Scobie,	Mr. J. F. Smith,
Mr. D. Macdonell,	Mr. Millard.
Mr. Nielsen,	
Mr. Arthur Griffith,	<i>Tellers,</i>
Mr. Hollis,	Mr. Burgess,
Mr. Thomson,	Mr. MacMahon.
Mr. Nobbs,	
Mr. Jones,	
Mr. Edden,	
Mr. John Storey,	
Mr. Pyers,	
Mr. Macdonald	
Mr. Clara,	
Mr. Estell,	
Mr. Oakes,	
Mr. Miller,	

Noes, 33.

Mr. Cohen,	Mr. Morton,
Mr. Carruthers,	Mr. Latimer,
Mr. Fallick,	Mr. Quirk,
Mr. Fegan,	Mr. Kidd,
Mr. Winchcombe,	Mr. Anderson,
Mr. J. C. L. Fitzpatrick,	Mr. Williams,
Mr. Garland,	Mr. Waddell,
Mr. W. F. Hurley,	Mr. Macfarlane,
Mr. Levy,	Mr. Dight,
Mr. Perry,	Mr. Willis,
Mr. Wood,	Mr. Evans,
Mr. Carroll,	Sir John See,
Mr. Coleman,	Mr. Brunner,
Mr. Davidson,	
Mr. Broughton,	<i>Tellers,</i>
Mr. Hawthorne,	Mr. Davis,
Mr. D. R. Hall,	Mr. McCoy.
Mr. Hogue,	

*Reduction of item negatived.*

*Reduced Estimate, £47,850, agreed to.*

And the Estimates for Master-in-Equity, Prothonotary and Divorce Court, Sheriff, Bankruptcy Court, and Probate and Intestate Estates Office, having been dealt with,—

And the Committee continuing to sit after Midnight,—

THURSDAY, 29 OCTOBER, 1903, A.M.

And the Estimates, District Courts, Coroners, Petty Sessions, and Prisons, having been dealt with,—

On motion of Mr. Perry, the Chairman left the Chair to report progress and ask leave to sit again.

THURSDAY, 29 OCTOBER, 1903.

No. 6.

SUPPLY—ESTIMATES OF EXPENDITURE, 1903-1904.

The Estimate, Public Service Board, having been dealt with,—

And the Committee continuing to sit after Midnight,—

FRIDAY, 30 OCTOBER, 1903, A.M.

*Court of Industrial Arbitration.*

Question proposed,—“That there be granted to His Majesty a sum not exceeding £6,050 for Cost of Industrial Arbitration.”

Motion

Motion made (*Mr. Jessop*) to reduce item, "Incidental Expenses, including Clerical and Shorthand, Expenses of Court, the preparation of Arbitration Reports; and also cost of preparing copies of evidence taken before the Court, £675," by £100,—and Question put. Committee divided.

## Ayes, 14.

Mr. Nobbs,  
Mr. Miller,  
Mr. Scobie,  
Mr. Macdonald,  
Mr. Burgess,  
Mr. John Storey,  
Mr. Jones,  
Mr. MacMahon,  
Mr. Hollis,  
Mr. McGowen,  
Mr. Edden,  
Mr. McNeill.

*Tellers,*

Mr. Jessop,  
Mr. Nielsen.

Mr. Phillips,  
Mr. Hogue,  
Mr. O'Connor,  
Mr. Kidd,  
Mr. Pegan,  
Mr. Perry,  
Mr. Wood,  
Mr. Davidson,  
Mr. Cohen,  
Mr. Fallick,  
Mr. Coleman,  
Mr. Latimer,  
Mr. Carroll,  
Mr. Garland,  
Mr. J. C. L. Fitzpatrick,  
Mr. O'Sullivan,

## Noes, 33.

Mr. Evans,  
Mr. Anderson,  
Mr. McFarlane,  
Mr. Thomson,  
Mr. Young,  
Mr. Richards,  
Mr. Nelson,  
Mr. Brinsley Hall,  
Mr. Pycers,  
Mr. Thomas Fitzpatrick,  
Mr. Dacey,  
Mr. W. F. Hurley,  
Mr. Quirk,  
Mr. Millard,  
Mr. Alexander Campbell.

*Tellers,*

Mr. Morton,  
Mr. Frank Karnell.

*Reduction of item negatived.*

*Estimate, Court of Industrial Arbitration, agreed to.*

And the Estimate, Miscellaneous Services, having been dealt with, the Estimates for Secretary for Lands postponed, and the Estimates for Secretary for Public Works, dealt with,—

On motion of Mr. O'Sullivan, the Chairman left the Chair to report progress and ask leave to sit again.

R. W. ROBERTSON,  
Clerk Assistant.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 14.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

FRIDAY, 6 NOVEMBER, 1903., a.m.

No. 1.

SUPPLY—STATEMENT OF PAYMENTS "UNAUTHORISED IN SUSPENSE"—SERVICES, 1902-3.

Question again proposed, That there be granted to His Majesty a sum not exceeding £238,311 15s. 9d. for Payments "Unauthorised in Suspense" for urgent claims on account of services of the year 1902-3.

Motion made (*Mr. Crick*),—That the vote be postponed.

Mr. Perry moved,—That the Honorable Member for Sydney-Belmore Division, Mr. Eden George, be not further heard,—and Question put.

Committee divided.

Ayes, 44.

Mr. Scobie,	Mr. MacMahon,
Mr. Waddell,	Mr. Pyers,
Mr. Perry,	Mr. Evans,
Sir John Sec,	Mr. Richards,
Mr. Crick,	Mr. Donaldson,
Mr. Chapman,	Mr. Henry Clarke,
Mr. Fegan,	Mr. Hollis,
Mr. Bennett,	Mr. Holman,
Mr. Dacey,	Mr. Clara,
Mr. W. F. Hurley,	Mr. Edden,
Mr. Nielsen,	Mr. McNeill,
Mr. Levien,	Mr. Daley,
Mr. T. R. Smith,	Mr. Quirk,
Mr. Kidd,	Mr. Nicholson,
Mr. Archer,	Mr. Burgess,
Mr. Alexander Campbell,	Mr. John Storey,
Mr. Anderson,	Mr. J. F. Smith,
Mr. Byrne,	Mr. D. R. Hull,
Mr. McLaurin,	Mr. McGowen.
Mr. Miller,	
Mr. Gillies,	<i>Tellers,</i>
Mr. Jones,	Mr. Arthur Griffith,
Mr. Williams,	Mr. Macdonell.

Noes, 38.

Mr. Fallick,	Mr. Winchcombe,
Mr. Rose,	Mr. John Hurley,
Mr. Oakes,	Mr. Gilbert,
Mr. Cohen,	Mr. Fleming,
Mr. Carruthers,	Mr. Hawthorne,
Mr. Haynes,	Mr. Archibald Campbell,
Mr. Moore,	Mr. Carroll,
Mr. Eden George,	Mr. Brinsley Hall,
Mr. E. M. Clark,	Mr. O'Connor,
Mr. Phillips,	Mr. Colline,
Mr. J. C. L. Fitzpatrick,	Mr. Price,
Mr. Dick,	Mr. Sleath,
Mr. Ashton,	Mr. David Storey,
Mr. McCoy,	Mr. Latimer,
Mr. Coleman,	Mr. Nobbs,
Mr. Bruncker,	Mr. Levy.
Mr. Broughton,	<i>Tellers,</i>
Mr. Millard,	
Mr. Ferguson,	Mr. Morton,
Mr. Mackenzie,	Mr. Mahony.

*Agreed to.*

*Motion for postponement of Vote, by leave, withdrawn.*

On motion of Mr. Waddell the Chairman left the Chair to report progress and ask leave to sit again.

R. W. ROBERTSON,  
Clerk Assistant.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 15.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

(EXTRACTED FROM THE MINUTES.)

WEDNESDAY, 11 NOVEMBER, 1903.

No. 1.

## CROWN LANDS ACT AMENDMENT BILL:—

(Consideration of Legislative Council's amendments referred to in Message of 28 October, 1903.)

Motion made (Mr. Crick),—That the Committee agree to the Legislative Council's amendments in the Bill.

And the Committee requiring the amendments to be put *serialim*,—

Amendments in clauses 1, 3, 5, 6, and 8 agreed to.

Insertion of proposed new clause 9. (Considered.)

Amendment moved (Mr. Affleck) to add to the proposed clause the words "But no such reappraisement shall reduce the rent below the price at which the land was offered. And no lease shall be reappraised more than once. This section shall not apply to leases hereafter granted,"—and Question put.

Committee divided.

Ayes, 56.

Mr. Perry,	Mr. O'Connor,	Mr. Nielsen,
Mr. Sullivan,	Mr. Daley,	Mr. Webster,
Mr. Henry Clarke,	Mr. Ashton,	Mr. Collins,
Sir John See,	Mr. Levy,	Mr. Brunker,
Mr. Kidd,	Mr. Thomas Fitzpatrick,	Mr. D. R. Hall,
Mr. Crick,	Mr. McGowen,	Mr. Edden,
Mr. O'Sullivan,	Mr. Macdonell,	Mr. Hawthorne,
Mr. Hayes,	Mr. Miller,	Mr. Morton,
Mr. Affleck,	Mr. W. F. Hurley,	Mr. Pyers,
Mr. Dight,	Mr. Williams,	Mr. Power,
Mr. Thomson,	Mr. Nobbs,	Mr. Fallick,
Mr. McFarlane,	Mr. Dacey,	Mr. Wood.
Mr. Fegan,	Mr. Macdonald,	
Mr. Evans,	Mr. Arthur Griffith,	<i>Tellers,</i>
Mr. McLaurin,	Mr. Jones,	Mr. MacMahon,
Mr. Bennett,	Mr. Nicholson,	Mr. Clara.
Mr. Frank Farnell,	Mr. Fleming,	
Mr. Waddell,	Mr. Mackenzie,	
Mr. Alexander Campbell,	Mr. Latimer,	
Mr. Willis,	Mr. Carruthers,	
Mr. Raymond,	Mr. J. F. Smith,	

Noes, 19.

Mr. Cohen,
Mr. Garland,
Mr. Law,
Mr. Dick,
Mr. John Hurley,
Mr. Moore,
Mr. J. C. L. Fitzpatrick,
Mr. Eden George,
Mr. David Storey,
Mr. Gilbert,
Dr. Rose,
Mr. Coleman,
Mr. Rose,
Mr. Millard,
Mr. McCoy,
Mr. Ferguson,
Mr. Gornly.
<i>Tellers,</i>
Mr. E. M. Clark,
Mr. Phillips.

Addition of words, agreed to.

29250

361—

No. 2.

No. 2

SAME BILL.

*Same Amendment.*

Question put,—That the proposed new clause, as amended, be agreed to.  
Committee divided.

Ayes, 34.

Mr. Bennett,	Mr. McGowen,
Mr. Fegan,	Mr. Daley,
Sir John See,	Mr. Williams,
Mr. Crick,	Mr. Thomas Fitzpatrick,
Mr. Kidd,	Mr. Nielsen,
Mr. O'Sullivan,	Mr. Macdonald,
Mr. Power,	Mr. Pyers,
Mr. Hayes,	Mr. Dacey,
Mr. Afleck,	Mr. Jones,
Mr. W. F. Hurley,	Mr. Young,
Mr. Evans,	Mr. J. F. Smith,
Mr. Frank Farnell,	Mr. Edden,
Mr. Alexander Campbell,	Mr. Webster.
Mr. McFarlane,	<i>Tellers,</i>
Mr. Willis,	
Mr. Raymond,	Mr. Meagher,
Mr. Henry Clarke,	Mr. MacMahon.
Mr. Dight,	
Mr. Miller,	

Noes, 36.

Mr. Garland,	Mr. Millard,
Mr. McCoy,	Mr. Cohen,
Mr. E. M. Clark,	Mr. Wood,
Mr. David Storey,	Mr. Ashton,
Mr. J. C. L. Fitzpatrick,	Mr. Ferguson,
Mr. Moore,	Mr. Collins,
Mr. Fleming,	Mr. Latimer,
Mr. Phillips,	Mr. John Hurley,
Mr. Levy,	Mr. Macdonell,
Mr. Oakes,	Mr. D. R. Hall,
Mr. Hawthorne,	Mr. Nicholson,
Mr. Bruncker,	Mr. Gormly,
Mr. Fallick,	Mr. Dick,
Mr. Mackenzie,	Mr. Morton,
Mr. Nobbs,	Mr. O'Conor.
Mr. Rose,	<i>Tellers,</i>
Mr. Coleman,	
Dr. Ross,	Mr. Clara,
Mr. Gilbert,	Mr. Arthur Griffith.

*Proposed new clause, as amended, negatived.*

And the remaining Council's amendments having been dealt with.

On motion of Mr. Crick the Chairman left the Chair to report that the Committee had disagreed to one, amended another, and agreed to the remainder of the Council's amendments.

No. 3.

SAME BILL.

*Same Amendment. (Recommended).*

And the proposed new clause 9, having been amended by the addition of the words "But no such reappraisal shall reduce the rent below the price at which the land was offered. And no lease shall be reappraised more than once. This section shall not apply to leases hereafter granted,"—

Question proposed,—That the proposed new clause, as amended, be agreed to.

And the Committee continuing to sit after Midnight,—

THURSDAY, 12 NOVEMBER, 1903, A.M.

Question put,—That the proposed new clause, as amended, be agreed to.

Committee divided.

Ayes, 43.

Mr. Waddell,	Mr. Miller,
Mr. Kidd,	Mr. Sullivan,
Mr. Perry,	Mr. Nielsen,
Sir John See,	Mr. Pyers,
Mr. Bennett,	Mr. Macdonald,
Mr. O'Sullivan,	Mr. Donaldson,
Mr. Crick,	Mr. Young,
Mr. Levien,	Mr. Jones,
Mr. Dight,	Mr. Edden,
Mr. Willis,	Mr. Estell,
Mr. Anderson,	Mr. McGowen,
Mr. W. F. Hurley,	Mr. John Storey,
Mr. Fegan,	Mr. Carruthers,
Mr. Daley,	Mr. MacMahon,
Mr. Power,	Mr. Thomas Fitzpatrick,
Mr. Alexander Campbell,	Mr. Hollis,
Mr. Burgess,	Mr. J. F. Smith,
Mr. Evans,	Mr. Dacey.
Mr. McLaurin,	<i>Tellers,</i>
Mr. Meagher,	
Mr. McFarlane,	Mr. Clara,
Mr. Briner,	Mr. Williams.
Mr. Webster,	

Noes, 35.

Mr. John Hurley,	Mr. Hawthorne,
Mr. Nobbs,	Mr. Latimer,
Mr. McCoy,	Mr. O'Conor,
Mr. Levy,	Mr. Gormly,
Mr. Rose,	Mr. Morton,
Mr. Fleming,	Mr. Millard,
Mr. Eden George,	Mr. Macdonell,
Mr. Moore,	Mr. Ashton,
Mr. J. C. L. Fitzpatrick,	Mr. Wood,
Mr. Oakes,	Mr. Collins.
Mr. Phillips,	<i>Tellers,</i>
Mr. Garland,	
Mr. E. M. Clark,	Mr. D. R. Hall,
Mr. Coleman,	Mr. Arthur Griffith.
Mr. Cohen,	
Mr. Davidson,	
Mr. Dick,	
Mr. Gilbert,	
Mr. Fallick,	
Mr. Bruncker,	
Mr. Ferguson,	
Mr. Mackenzie,	
Mr. Law,	

*Proposed new clause, as amended, agreed to.*

On motion of Mr. Crick the Chairman left the Chair to report that the Committee had agreed to the Council's amendment, previously disagreed to, with an amendment.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 16.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

WEDNESDAY, 18 NOVEMBER, 1903, A.M.

No. 1.

## REDUCTION OF MEMBERS REFERENDUM BILL :—

Clause 1. This Act may be cited as the "Reduction of Members Referendum Act, 1903". (*Read.*)Motion made (*Mr. Carruthers*), That the clause be postponed.

Question proposed,—That the clause be postponed.

Motion made (*Mr. Gillies*), That the Honorable Member for Sydney—Fitzroy Division, Mr. Levy, be not further heard,—and Question put.

Committee divided.

Ayes, 33.

Mr. Waddell,	Mr. Pyers,
Mr. J. F. Smith,	Mr. Anderson,
Mr. Fegan,	Mr. Miller,
Mr. Macdonell,	Mr. Burgess,
Mr. Crick,	Mr. Archer,
Sir John See,	Mr. Nelson,
Mr. Bennett,	Mr. Quirk,
Mr. Nielsen,	Mr. Dight,
Mr. Hollis,	Mr. McGowen,
Mr. O'Sullivan,	Mr. McNeill,
Mr. W. F. Hurley,	Mr. D. R. Hall.
Mr. Nicholson,	
Mr. Kidd,	<i>Tellers,</i>
Mr. Alexander Campbell,	Mr. Willis,
Mr. Barnes,	Mr. Gillies.
Mr. Power,	
Mr. John Storey,	
Mr. McFarlane,	
Mr. Dacey,	
Mr. Richards,	

Noes, 37.

Mr. Hawthorne,	Mr. Gilbert,
Mr. Mahony,	Mr. Asleck,
Mr. Oakes,	Mr. Brunker,
Mr. Garland,	Mr. Law
Mr. David Storey,	Mr. Nobbs,
Mr. Carruthers,	Mr. Ferguson,
Mr. J. C. L. Fitzpatrick,	Mr. Edden,
Mr. Levy,	Mr. Latimer,
Mr. Phillips,	Mr. Hogue,
Mr. Mackenzie,	Mr. Williams,
Mr. Ashton,	Mr. John Hurley,
Mr. Wood,	Mr. Broughton,
Mr. Coleman,	Mr. Millard,
Mr. Fallick,	Mr. Brinsley Hall,
Mr. Cohen,	Mr. Byrne.
Mr. Wade,	
Mr. McCoy,	<i>Tellers,</i>
Mr. Davidson,	Mr. Estell,
Mr. Morton,	Mr. Jones.
Mr. Dick,	

*Negatived.*

29673

375—A

No. 2.

No. 2.

SAME BILL.

*Same Clause.*

Question,—That the clause be postponed,—put.

Committee divided.

Ayes, 30.

Mr. Garland,	Mr. Broughton,
Mr. McCoy,	Mr. Wood,
Mr. Wade,	Mr. Latimer,
Mr. Hogue,	Mr. Williams,
Mr. Mackenzie,	Mr. Hawthorne,
Mr. J. C. L. Fitzpatrick,	Mr. Macdonell,
Mr. Carruthers,	Mr. McNeill,
Mr. Phillips,	Mr. Millard.
Mr. Coleman,	
Mr. Fallick,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Levy,
Mr. Cohen,	Mr. Affleck.
Mr. John Hurley,	
Mr. David Storey,	
Mr. Gilbert,	
Mr. Morton,	
Mr. Ferguson,	
Mr. Ashton,	
Mr. Onkes,	
Mr. Dick,	

Noes, 38.

Mr. Waddell,	Mr. Nicholson,
Mr. Bennett,	Mr. Archer,
Mr. Hollis,	Mr. McFarlane,
Mr. Fegan,	Mr. Richards,
Mr. McGowen,	Mr. Burgess,
Mr. Gillies,	Mr. Nielsen,
Sir John See,	Mr. W. F. Hurley,
Mr. Dacey,	Mr. Evans,
Mr. Edden,	Mr. Barnes,
Mr. McLaurin,	Mr. Brinsley Hall,
Mr. Kidd,	Mr. Dight,
Mr. Willis,	Mr. Alexander Campbell,
Mr. Anderson,	Mr. Power,
Mr. Jones,	Mr. J. F. Smith,
Mr. Crick,	Mr. Quirk,
Mr. O'Sullivan,	Mr. D. R. Hall.
Mr. John Storey,	
Mr. Pyers,	<i>Tellers,</i>
Mr. Byrne,	Mr. Estell,
Mr. Briner,	Mr. Miller.

*Postponement of clause negatived.*

No. 3.

SAME BILL.

*Same Clause.*Motion made (*Mr. Hollis*), That the Question be now put,—and Question put.

Committee divided.

Ayes, 38.

Mr. Waddell,	Mr. Briner,
Sir John See,	Mr. Dight,
Mr. Fegan,	Mr. Nicholson,
Mr. Crick,	Mr. Archer,
Mr. Gillies,	Mr. Willis,
Mr. O'Sullivan,	Mr. Quirk,
Mr. Dacey,	Mr. Brinsley Hall,
Mr. W. F. Hurley,	Mr. John Storey,
Mr. Evans,	Mr. Alexander Campbell,
Mr. Barnes,	Mr. McLaurin,
Mr. Miller,	Mr. Richards,
Mr. Kidd,	Mr. D. R. Hall,
Mr. Bennett,	Mr. J. F. Smith,
Mr. Pyers,	Mr. Power,
Mr. McFarlane,	Mr. McNeill,
Mr. Anderson,	Mr. Macdonell.
Mr. Hollis,	
Mr. McGowen,	<i>Tellers,</i>
Mr. Burgess,	Mr. Nielsen,
Mr. Byrne,	Mr. Williams.

Noes, 29.

Mr. Garland,	Mr. Estell,
Mr. J. C. L. Fitzpatrick,	Mr. Jones,
Mr. Carruthers,	Mr. Millard,
Mr. Cohen,	Mr. Nobbs,
Mr. Wade,	Mr. Hogue,
Mr. Phillips,	Mr. Morton,
Mr. Levy,	Mr. Ferguson.
Mr. John Hurley,	
Mr. McCoy,	<i>Tellers,</i>
Mr. Fallick,	Mr. Latimer,
Mr. Coleman,	Mr. Hawthorne.
Mr. Mackenzie,	
Mr. Affleck,	
Mr. David Storey,	
Mr. Broughton,	
Mr. Dick,	
Mr. Ashton,	
Mr. Wood,	
Mr. Gilbert,	
Mr. Edden,	

*Not decided in the affirmative.**Clause, as read, agreed to.*

And clauses 2 to 5 having been dealt with,—

No. 4.

SAME BILL.

Place and time  
of voting.

Clause 6. An elector may vote under this Act at any polling-place at which he may vote at the said election of Senators, and may so vote during the time that the poll for the said election is open; but if he votes more than once, he shall be liable to a penalty not exceeding **five** pounds.

An elector who may vote by post at the said election may vote by post under this Act in the manner to be prescribed by regulations under this Act. (*Read.*)

And the clause having been amended as indicated,—

Motion made (*Mr. Affleck*), to leave out from lines 5 and 6 the words, "An elector who may vote by post at the said election may vote by post under this Act in the manner to be prescribed by regulations under this Act."

Question put,—That the words proposed to be left out stand part of the clause.

Committee

Committee divided.

Ayes, 40.

Mr. Waddell,	Mr. Wood,
Mr. Bennett,	Mr. Phillips,
Sir John See,	Mr. Anderson,
Mr. Crick,	Mr. Archer,
Mr. Willis,	Mr. Burgess,
Mr. Fegan,	Mr. Nicholson,
Mr. Gillies,	Mr. W. F. Hurley,
Mr. Wade,	Mr. Dight,
Mr. W. F. Hurley,	Mr. McGowen,
Mr. Evans,	Mr. Brinsley Hall,
Mr. O'Sullivan,	Mr. Nelson,
Mr. Dacey,	Mr. McNeill,
Mr. Alexander Campbell,	Mr. Briner,
Mr. Barnes,	Mr. J. F. Smith,
Mr. Ashton,	Mr. D. R. Hall,
Mr. J. C. L. Fitzpatrick,	Mr. Macdonell,
Mr. McFarlane,	Mr. McLaurin.
Mr. Byrne,	<i>Tellers,</i>
Mr. Richards,	
Mr. Kidd,	Mr. Miller,
Mr. Williams,	Mr. Hollis.

Noes, 23.

Mr. Coleman,	Mr. Nielsen.
Mr. David Storey,	<i>Tellers,</i>
Mr. Nobbs,	
Mr. Mackenzie,	Mr. Dick,
Mr. Garland,	Mr. Gilbert.
Mr. Affleck,	
Mr. Cohen,	
Mr. Ferguson,	
Mr. Levy,	
Mr. Broughton,	
Mr. Fallick,	
Mr. McCoy,	
Mr. Edden,	
Mr. Estell,	
Mr. John Hurley,	
Mr. Latimer,	
Mr. Hawthorne,	
Mr. Jones,	
Mr. Power,	
Mr. Millard,	

Omission of words negatived.

Clause, as amended, agreed to.

And clause 7 having been dealt with,—

No. 5.

SAME BILL.

Clause 8. An elector "may" vote in the alternative for as many as he pleases of the numbers proposed in the voting-paper by writing on the voting-paper in the square opposite any such proposed numbers the figures 1, 2, 3, and 4, or any of such figures commencing with the figure 1 in the order of his preference. (*Read.*) Manner of voting.

Motion made (*Mr. Wood*), to leave out from line 1 the word "may," and insert the word "shall," instead thereof.

Question put.—That the word proposed to be left out stand part of the clause.

Committee divided.

Ayes, 33.

Mr. W. F. Hurley,	Mr. Barnes,
Mr. Dacey,	Mr. Archer,
Mr. Fegan,	Mr. Miller,
Sir John See,	Mr. Richards,
Mr. Crick,	Mr. Alexander Campbell,
Mr. Hollis,	Mr. Brinsley Hall,
Mr. O'Sullivan,	Mr. Evans,
Mr. Gillies,	Mr. Bennett,
Mr. McFarlane,	Mr. McGowen,
Mr. Anderson,	Mr. Jones,
Mr. Williams,	Mr. McNeill,
Mr. Byrne,	Mr. McLaurin,
Mr. Edden,	Mr. Macdonell.
Mr. Dight,	<i>Tellers,</i>
Mr. John Storey,	
Mr. Nelson,	Mr. Estell,
Mr. Burgess,	Mr. Nielsen.
Mr. Nicholson,	

Noes, 20.

Mr. Levy,	Mr. Hawthorne.
Mr. Mackenzie,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	
Mr. Garland,	Mr. Nobbs,
Mr. Cohen,	Mr. John Hurley.
Mr. Affleck,	
Mr. Wood,	
Mr. Ferguson,	
Mr. Willis,	
Mr. Gilbert,	
Mr. Fallick,	
Mr. McCoy,	
Mr. Wade,	
Mr. Phillips,	
Mr. Latimer,	
Mr. Broughton,	
Mr. Millard,	

Omission of word negatived.

Clause, as read, agreed to.

And clauses 9 to 14 having been dealt with,—

No. 6.

SAME BILL.

Schedule One.

VOTING-PAPER.

As to what shall be the number of Members of the Legislative Assembly.

Which of the following numbers do you prefer, and what is the order of your preference?

	125 (This is the present number.)
	" 100 "
	" 90 "
	80

Indicate your vote by placing the number 1 in the square opposite the number for which you vote in the first instance.

You

You may, in addition, indicate in the order of your preference which of the other numbers you prefer (in the event of your first number not getting a majority) by placing the numbers 2 and 3 and 4 in the squares opposite the other numbers in the order of your preference.

It is not necessary to vote for more than one number, but the number for which you *first* vote *must* have against it the figure 1.

Votes for the second or third or fourth preference will only be counted in the event "of" prior preferences not being an absolute majority. (*Read.*)

Motion made (*Mr. Garland*), to leave out from line 6 the figures "100",—and Question put.

Committee divided.

Ayes, 18.

Mr. Fallick,  
Mr. Mackenzie,  
Mr. Nobbs,  
Mr. Gilbert,  
Mr. Cohen,  
Mr. McCoy,  
Mr. Broughton,  
Mr. Garland,  
Mr. J. C. L. Fitzpatrick,  
Mr. Wade,  
Mr. Levy,  
Mr. Wood,  
Mr. Phillips,  
Mr. Hawthorne,  
Mr. Latimer,  
Mr. Millard.

*Tellers,*

Mr. Afleck,  
Mr. Ferguson.

Noes, 37.

Mr. Briner,  
Mr. Bennett,  
Mr. Fegan,  
Mr. Crick,  
Mr. McLaurin,  
Mr. Hollis,  
Sir John See,  
Mr. Evans,  
Mr. Willis,  
Mr. Dacey,  
Mr. Barnes,  
Mr. Alexander Campbell,  
Mr. W. F. Hurley,  
Mr. Nielsen,  
Mr. Gillies,  
Mr. Estell,  
Mr. Anderson,  
Mr. Byrne,  
Mr. O'Sullivan,  
Mr. McNeill,

Mr. Richards,  
Mr. Quirk,  
Mr. Brinsley Hall,  
Mr. Dight,  
Mr. Young,  
Mr. Nicholson,  
Mr. John Storey,  
Mr. Edden,  
Mr. McGowen,  
Mr. Nelson,  
Mr. Archer,  
Mr. J. F. Smith,  
Mr. Macdonell,  
Mr. Burgess,  
Mr. D. R. Hall.

*Tellers,*

Mr. Williams,  
Mr. Miller.

*Omission of figures negatived.*

No. 7.

SAME BILL.

*Same Schedule.*

Motion made (*Mr. Garland*), to leave out from line 7 the figures "90".

Question put,—That the figures proposed to leave out stand part of the Schedule.

Committee divided.

Ayes, 37.

Mr. Bennett,  
Sir John See,  
Mr. Crick,  
Mr. O'Sullivan,  
Mr. Dacey,  
Mr. Nielsen,  
Mr. Gillies,  
Mr. Miller,  
Mr. Hollis,  
Mr. McLaurin,  
Mr. Byrne,  
Mr. Briner,  
Mr. Anderson,  
Mr. Williams,  
Mr. Edden,  
Mr. John Storey,  
Mr. Brinsley Hall,  
Mr. Dight,  
Mr. Nicholson,  
Mr. Young,  
Mr. Quirk,

Mr. Evans,  
Mr. Richards,  
Mr. Barnes,  
Mr. Alexander Campbell,  
Mr. Fegan,  
Mr. W. F. Hurley,  
Mr. J. F. Smith,  
Mr. Nelson,  
Mr. Archer,  
Mr. Burgess,  
Mr. D. R. Hall,  
Mr. Jones,  
Mr. Macdonell,  
Mr. McGowen.

*Tellers,*

Mr. McNeill,  
Mr. Estell.

Noes, 19.

Mr. Mackenzie,  
Mr. Wood,  
Mr. John Hurley,  
Mr. Levy,  
Mr. J. C. L. Fitzpatrick,  
Mr. Garland,  
Mr. Ferguson,  
Mr. Hawthorne,  
Mr. Latimer,  
Mr. Phillips,  
Mr. Afleck,  
Mr. Gilbert,  
Mr. Broughton,  
Mr. McCoy,  
Mr. Fallick,  
Mr. Nobbs,  
Mr. Millard.

*Tellers,*

Mr. Wade,  
Mr. Cohen.

*Omission of figures negatived.*

No. 8.

SAME BILL.

*Same Schedule.*

Motion made (*Mr. Dacey*), to leave out from line 8 the figures "80".

Question put,—That the figures proposed to be left out stand part of the Schedule.

Committee



Committee divided.

Ayes, 20.

Mr. Nobbs,	<i>Tellers,</i>
Mr. John Hurley,	Mr. Hawthorne,
Mr. McCoy,	Mr. Ferguson.
Mr. Garland,	
Mr. Mackenzie,	
Mr. Levy,	
Mr. Wade,	
Mr. Gillies,	
Mr. Cohen,	
Mr. Broughton,	
Mr. Gilbert,	
Mr. Fallick,	
Mr. Phillips,	
Mr. Wood,	
Mr. Latimer,	
Mr. Dight,	
Mr. Nelson,	
Mr. Millard,	

Noes, 35.

Mr. Bennett,	Mr. Young,
Mr. J. C. L. Fitzpatrick,	Mr. Richards,
Mr. Fegan,	Mr. Quirk,
Mr. Crick,	Mr. Brinsley Hall,
Sir John See,	Mr. Edden,
Mr. O'Sullivan,	Mr. Nicholson,
Mr. Estell,	Mr. J. F. Smith,
Mr. Evans,	Mr. Archer,
Mr. Alexander Campbell,	Mr. Burgess,
Mr. W. F. Hurley,	Mr. John Storey,
Mr. Miller,	Mr. Macdonell,
Mr. Dacey,	Mr. McGowen,
Mr. Nielsen,	Mr. Jones,
Mr. Byrne,	Mr. D. R. Hall.
Mr. Hollis,	<i>Tellers,</i>
Mr. McLaurin,	Mr. Briner,
Mr. Anderson,	Mr. Williams.
Mr. Barnes,	
Mr. McNeill,	

*Figures omitted.*

No. 9.

SAME BILL.

*Same Schedule.*

Motion made (*Mr. Broughton*), to insert in line 8, in place of the figures left out, the figures "78".

Question proposed,—That the figures proposed to be inserted be so inserted.

Motion made (*Mr. Anderson*),—That the Honorable Member for Sydney-Fitzroy Division, Mr. Levy, be not further heard,—and Question put.

Ayes, 34.

Mr. Jones,	Mr. Dacey,
Mr. Fegan,	Mr. Richards,
Mr. Willis,	Mr. Young,
Mr. Crick,	Mr. McNeill,
Sir John See,	Mr. Quirk,
Mr. Alexander Campbell,	Mr. Dight,
Mr. O'Sullivan,	Mr. Brinsley Hall,
Mr. Miller,	Mr. Burgess,
Mr. Gillies,	Mr. Archer,
Mr. John Storey,	Mr. J. F. Smith,
Mr. Barnes,	Mr. McGowen,
Mr. Evans,	Mr. D. R. Hall.
Mr. W. F. Hurley,	<i>Tellers,</i>
Mr. Anderson,	Mr. Byrne,
Mr. Hollis,	Mr. Nielsen.
Mr. Edden,	
Mr. Macdonell,	
Mr. Briner,	
Mr. Williams,	
Mr. McFarlane,	

Noes, 18.

Mr. Mackenzie,
Mr. McCoy,
Mr. J. C. L. Fitzpatrick,
Mr. Garland,
Mr. Cohen,
Mr. Wade,
Mr. Broughton,
Mr. Levy,
Mr. Nobbs,
Mr. John Hurley,
Mr. Gilbert,
Mr. Ferguson,
Mr. Latimer,
Mr. Estell,
Mr. Nicholson,
Mr. Millard.
<i>Tellers,</i>
Mr. Hawthorne,
Mr. Phillips.

*Agreed to.*

No. 10.

SAME BILL.

*Same Schedule.*

Question put,—That the figures "78" proposed to be inserted be so inserted.

Committee divided.

Ayes, 21.

Mr. McCoy,	<i>Tellers,</i>
Mr. Mackenzie,	Mr. Gillies,
Mr. Garland,	Mr. Broughton.
Mr. Wade,	
Mr. Levy,	
Mr. Cohen,	
Mr. Fallick,	
Mr. Nobbs,	
Mr. Gilbert,	
Mr. Phillips,	
Mr. John Hurley,	
Mr. Wood,	
Mr. Ferguson,	
Mr. Hawthorne,	
Mr. Dight,	
Mr. Latimer,	
Mr. Nelson,	
Mr. Millard,	
Mr. John Storey.	

Noes, 37.

Mr. Fegan,	Mr. Estell,
Mr. Bennett,	Mr. Quirk,
Mr. J. C. L. Fitzpatrick,	Mr. Young,
Mr. Willis,	Mr. Brinsley Hall,
Mr. Crick,	Mr. Byrne,
Sir John See,	Mr. Nicholson,
Mr. Miller,	Mr. Barnes,
Mr. W. F. Hurley,	Mr. Richards,
Mr. Evans,	Mr. Burgess,
Mr. Alexander Campbell,	Mr. Archer,
Mr. Dacey,	Mr. McNeill,
Mr. Hollis,	Mr. Kidd,
Mr. O'Sullivan,	Mr. McGowen,
Mr. McLaurin,	Mr. D. R. Hall,
Mr. Briner,	Mr. J. F. Smith.
Mr. Edden,	<i>Tellers,</i>
Mr. Macdonell,	Mr. Jones,
Mr. McFarlane,	Mr. Nielsen
Mr. Anderson,	
Mr. Williams,	

*Insertion of figures "78" negatived.*

No. 11.

No. 11.

SAME BILL.

*Same Schedule.*Motion made (*Mr. Gillies*), to insert in line 8, in place of the figures left out, the figures "63."

Question put,—That the figures "63" proposed to be inserted be so inserted.

Committee divided.

Ayes, 11.

Mr. McCoy,  
Mr. Mackenzie,  
Mr. Gillies,  
Mr. Gilbert,  
Mr. Nobbs,  
Mr. Broughton,  
Mr. John Hurley,  
Mr. Dick,  
Mr. Dight.

*Tellers,*

Mr. Cohen,  
Mr. Levy.

Noes, 45.

Mr. Willis, Mr. Fegan, Sir John See, Mr. Bennett, Mr. Garland, Mr. J. C. L. Fitzpatrick, Mr. Dacey, Mr. Crick, Mr. Nielsen, Mr. Miller, Mr. Evans, Mr. W. F. Hurley, Mr. Wood, Mr. Alexander Campbell, Mr. Hollis, Mr. O'Sullivan, Mr. Phillips, Mr. Richards, Mr. Barnes, Mr. Nicholson, Mr. Millard, Mr. Brinsley Hall, Mr. Young, Mr. Latimer,	Mr. Nelson, Mr. Estell, Mr. Jones, Mr. Hawthorne, Mr. McLaurin, Mr. Briner, Mr. Edden, Mr. McFarlane, Mr. Anderson, Mr. Kidd, Mr. Burgess, Mr. Byrne, Mr. Archer, Mr. Williams, Mr. McNeill, Mr. J. F. Smith, Mr. D. R. Hall, Mr. McGowen, Mr. John Storey.
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*Tellers,*

Mr. Ferguson,  
Mr. Macdonell.

*Insertion of figures "63" negatived.*

And the Schedule having been further amended as indicated,—

No. 12.

SAME BILL.

*Same Schedule.*Motion made (*Mr. Dick*), after "of", line 16, insert words "any of the".

Question put,—That the words proposed to be inserted be so inserted

Committee divided.

Ayes, 18.

Mr. John Hurley,  
Mr. Cohen,  
Mr. Garland,  
Mr. McCoy,  
Mr. Levy,  
Mr. Broughton,  
Mr. Edden,  
Mr. J. C. L. Fitzpatrick,  
Mr. Williams,  
Mr. Latimer,  
Mr. Dight,  
Mr. Macdonell,  
Mr. Nobbs,  
Mr. Gilbert,  
Mr. Mackenzie,  
Mr. Fallick.

*Tellers,*

Mr. Ferguson,  
Mr. Dick.

Noes, 35.

Mr. Willis, Sir John See, Mr. Dacey, Mr. Fegan, Mr. Miller, Mr. W. F. Hurley, Mr. Alexander Campbell, Mr. Hollis, Mr. Crick, Mr. Hawthorne, Mr. Bennett, Mr. Anderson, Mr. D. R. Hall, Mr. McFarlane, Mr. Nielsen, Mr. Kidd, Mr. O'Sullivan, Mr. Phillips, Mr. Richards, Mr. Barnes,	Mr. Nicholson, Mr. Young, Mr. Estell, Mr. Jones, Mr. Briner, Mr. Burgess, Mr. Byrne, Mr. Archer, Mr. McNeill, Mr. J. F. Smith, Mr. Brinsley Hall, Mr. McGowen, Mr. John Storey.
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*Tellers,*

Mr. McLaurin,  
Mr. Gillies.

*Insertion of words negatived.**Schedule, as amended, agreed to.*

And "Schedule Two" having been agreed to,—

On motion of Sir John See, the Chairman left the Chair to report the Bill with Amendments to the House.

THURSDAY, 19 NOVEMBER, 1903.

No. 13.

SUPPLY—ADDITIONAL ESTIMATES FOR 1903-1904.

*Executive and Legislative.*

Question proposed,—That there be granted to His Majesty a sum not exceeding £415, for Executive and Legislative.

Motion made (*Mr. Affleck*), to omit item—"Legislative Council, President—difference in salary "between £1,000 and £1,100 per annum, £100"—and Question put.

Committee

Committee divided.

Ayes, 21.

Mr. Affleck,  
Mr. Fallick,  
Mr. Law,  
Mr. Jessop,  
Mr. Hogue,  
Mr. Oakes,  
Mr. Miller,  
Mr. T. R. Smith,  
Mr. Nobbs,  
Mr. Coleman,  
Mr. O'Connor,  
Mr. Moore,  
Mr. Ashton,  
Mr. Dick,  
Mr. Sullivan,  
Mr. McLaurin,  
Mr. Moxham,  
Mr. Burgess,  
Mr. John Hurley.

*Tellers,*

Mr. Levy,  
Mr. Winchcombe.

Noes, 51.

Mr. Frank Farnell,  
Mr. Mahony,  
Mr. Wade,  
Mr. Phillips,  
Mr. Cohen,  
Mr. Fegan,  
Mr. Carruthers,  
Sir John See,  
Mr. Donaldson,  
Mr. David Storey,  
Dr. Ross,  
Mr. O'Sullivan,  
Mr. Barnes,  
Mr. McFarlane,  
Mr. Henry Clarke,  
Mr. Brunner,  
Mr. Archibald Campbell,  
Mr. Evans,  
Mr. Waddell,  
Mr. Gillies,  
Mr. Anderson,  
Mr. Berne,  
Mr. Willis,  
Mr. Nielsen,  
Mr. Dacey,  
Mr. Kidd,  
Mr. W. F. Hurley,  
Mr. Richards,  
Mr. Bennett,  
Mr. Quirk,  
Mr. John Storey,  
Mr. Dight,  
Mr. Young,  
Mr. Nelson,  
Mr. Mackenzie,  
Mr. Collins,  
Mr. Pyers,  
Mr. Brinsley Hall,  
Mr. Nicholson,  
Mr. Latimer,  
Mr. Reymond,  
Mr. Gormly,  
Mr. J. F. Smith,  
Mr. Thomas Fitzpatrick,  
Mr. McGowen,  
Mr. Macdonald,  
Mr. D. R. Hall,  
Mr. Quinn,  
Mr. Morton,  
Mr. Hollis,  
Mr. Jones.

*Omission of item negatived.*

*Estimate, Executive and Legislative, agreed to.*

And the Committee continuing to sit after Midnight,—

FRIDAY, 20 NOVEMBER, 1903, A.M.

No. 14.

*Colonial Secretary.*

Question proposed,—That there be granted to His Majesty a sum not exceeding £26,069 for Colonial Secretary.

Motion made (*Mr. Affleck*), to omit item—"Fisheries Commission—Salary, Chairman, £250",—and Question put.

Committee divided.

Ayes, 9.

Mr. Power,  
Mr. Miller,  
Mr. Kelly,  
Mr. Affleck,  
Mr. E. M. Clark,  
Mr. Haynes,  
Mr. Oakes,

*Tellers,*

Mr. Hollis,  
Mr. Estell.

Mr. Moore,  
Mr. Ashton,  
Mr. Mahony,  
Mr. Garland,  
Mr. David Storey,  
Mr. Winchcombe,  
Mr. Hogue,  
Mr. Ferguson,  
Sir John See,  
Mr. Jessop,  
Mr. Waddell,  
Mr. Morton,  
Mr. McCoy,  
Mr. Fallick,  
Mr. Gilbert,  
Mr. Coleman,  
Mr. Wade,  
Mr. Phillips,  
Mr. Cohen,  
Mr. Law,  
Mr. Moxham,  
Mr. Brunner,

Noes, 63.

Mr. W. F. Hurley,  
Mr. Hawthorne,  
Mr. Crick,  
Mr. Gillies,  
Mr. Scobie,  
Mr. J. C. L. Fitzpatrick,  
Mr. Kidd,  
Mr. McGowen,  
Mr. Dight,  
Mr. O'Sullivan,  
Mr. Reymond,  
Mr. Sullivan,  
Mr. Latimer,  
Mr. Young,  
Mr. Quirk,  
Mr. Barnes,  
Mr. Anderson,  
Mr. O'Connor,  
Mr. McNeill,  
Mr. Gormly,  
Mr. Archibald Campbell,  
Mr. Richards,  
Mr. Pyers,  
Mr. Brinsley Hall,  
Mr. MacMahon,  
Mr. Idden,  
Mr. Collins,  
Mr. Dick,  
Mr. Millard,  
Mr. Macdonald,  
Mr. J. F. Smith,  
Mr. Nobbs,  
Mr. Bennett,  
Mr. John Storey,  
Mr. Burgess,  
Mr. Evans,  
Mr. Thomas Fitzpatrick,  
Mr. Donaldson,  
Mr. Fegan,  
*Tellers,*  
Mr. Nielsen,  
Mr. Williams.

*Omission of item negatived.*

No. 15.

*Same Estimate.*

Motion made (*Mr. Affleck*), to omit item—"Stores Supply and Tender Board—Fees for Additional Members, £100",—and Question put.

Committee

Committee divided.

Ayes, 34.

Mr. Moore,	Mr. Estell,
Mr. Miller,	Mr. Burgess,
Mr. Haynes,	Mr. Pyers,
Mr. Afleck,	Mr. Richards,
Mr. Fallick,	Mr. Brinsley Hall,
Mr. J. C. L. Fitzpatrick,	Mr. Morton,
Mr. Jessep,	Mr. Archibald Campbell,
Mr. Oakes,	Mr. Williams,
Mr. Mahony,	Mr. Moxham,
Mr. Sullivan,	Mr. O'Connor,
Mr. Ashton,	Mr. Collins,
Mr. Hollis,	Mr. Edden,
Mr. McCoy,	Mr. John Storey,
Mr. Nobbs,	Mr. Cohen.
Mr. Dacey,	<i>Tellers,</i>
Mr. Macdonald,	
Mr. MacMahon,	Mr. Law,
Mr. Young,	Mr. Winchcombe.

Noes, 33.

Mr. Crick,	Mr. Phillips,
Mr. Waddell,	Mr. Quirk,
Mr. David Storey,	Mr. Anderson,
Mr. Kidd,	Mr. Barnes,
Sir John See,	Mr. Donaldson,
Mr. Hogue,	Mr. Nicholson,
Mr. E. M. Clark,	Mr. Jones,
Mr. Wade,	Mr. J. F. Smith,
Mr. W. F. Hurley,	Mr. Gormly,
Mr. Brunner,	Mr. Millard,
Mr. Hawthorne,	Mr. Power,
Mr. Scobie,	Mr. Thomas Fitzpatrick,
Mr. Bennett,	Mr. McNeill.
Mr. McFarlane,	<i>Tellers,</i>
Mr. Dight,	
Mr. Raymond,	Mr. Evans,
Mr. McGowen,	Mr. Gillies.
Mr. Latimer,	

*Omission of item agreed to.*

No. 16.

*Same Estimate.*

Motion made (*Mr. Haynes*), to further reduce Estimate by £1,650,—and Question put.

Committee divided.

Ayes, 32.

Mr. Mahony,	Mr. Edden,
Mr. Morton,	Mr. Oakes,
Mr. Nobbs,	Mr. Winchcombe,
Mr. Wade,	Mr. Fallick,
Mr. Haynes,	Mr. Moxham,
Mr. Garland,	Mr. Brinsley Hall,
Mr. Afleck,	Mr. O'Connor,
Mr. McCoy,	Mr. Williams,
Mr. Archibald Campbell,	Mr. Millard,
Mr. David Storey,	Mr. Cohen,
Mr. Gilbert,	Mr. John Storey,
Mr. Hollis,	Mr. Ashton.
Mr. Dick,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	
Mr. Jessep,	Mr. Law,
Mr. Latimer,	Mr. Ferguson.
Mr. E. M. Clark,	
Mr. Estell,	

Noes, 34.

Mr. Hogue,	Mr. Scobie,
Mr. Waddell,	Mr. McNeill,
Mr. Kidd,	Mr. McGowen,
Mr. Anderson,	Mr. O'Sullivan,
Mr. Moore,	Mr. Barnes,
Sir John See,	Mr. Quirk,
Mr. Evans,	Mr. Young,
Mr. W. F. Hurley,	Mr. Richards,
Mr. Kelly,	Mr. Burgess,
Mr. Hawthorne,	Mr. Gormly,
Mr. Phillips,	Mr. MacMahon,
Mr. Donaldson,	Mr. Pyers,
Mr. Gillies,	Mr. Collins,
Mr. Bennett,	Mr. Thomas Fitzpatrick.
Mr. Raymond,	<i>Tellers,</i>
Mr. Dight,	
Mr. Sullivan,	Mr. Power,
Mr. Miller,	Mr. Nielsen.

*Further reduction of Estimate negatived.*

No. 17.

*Same Estimate.*

Motion made (*Mr. Es'el*), to further reduce Estimate by £1,500,—and Question put.

Committee divided.

Ayes, 30.

Mr. Mahony,	Mr. Oakes,
Mr. McCoy,	Mr. Moxham,
Mr. Wade,	Mr. Winchcombe,
Mr. Garland,	Mr. Brinsley Hall,
Mr. Estell,	Mr. Morton,
Mr. Nobbs,	Mr. O'Connor,
Mr. Afleck,	Mr. Williams,
Mr. Haynes,	Mr. John Storey,
Mr. Ferguson,	Mr. Cohen.
Mr. Edden,	<i>Tellers,</i>
Mr. Hollis,	
Mr. Gilbert,	Mr. Law,
Mr. David Storey,	Mr. Jessep.
Mr. Archibald Comptell,	
Mr. Fallick,	
Mr. Dick,	
Mr. Latimer,	
Mr. E. M. Clark,	
Mr. J. C. L. Fitzpatrick,	

Noes, 35.

Mr. W. F. Hurley,	Mr. Young,
Mr. Kelly,	Mr. Barnes,
Mr. Evans,	Mr. Pyers,
Mr. Hawthorne,	Mr. MacMahon,
Mr. Hogue,	Mr. McGowen,
Mr. Moore,	Mr. Scobie,
Mr. Kidd,	Mr. Richards,
Sir John See,	Mr. Burgess,
Mr. Phillips,	Mr. McNeill,
Mr. Donaldson,	Mr. Power,
Mr. Anderson,	Mr. Collins,
Mr. Bennett,	Mr. Gormly,
Mr. Waddell,	Mr. Thomas Fitzpatrick,
Mr. Raymond,	Mr. Millard.
Mr. Dight,	<i>Tellers,</i>
Mr. Sullivan,	
Mr. Gillies,	Mr. Miller,
Mr. Quirk,	Mr. Nielsen.
Mr. O'Sullivan,	

*Further reduction of Estimate negatived.*

*Reduce Estimate, £25,969, agreed to.*

And the Estimate, Treasurer and Secretary for Finance and Trade, £1,471, having been dealt with,—

No. 18.

No. 18.

*Railways and Tramways.*

Motion made (*Mr. Hollis*), to omit item—"Chief Mechanical Engineer—Allowance for "special duties in connection with the Ultimo Power-house, £200"—and Question put.

Committee divided.

Ayes, 33.

Mr. Affleck,	Mr. Brinsley Hall,
Mr. Estell,	Mr. MacMahon,
Mr. Scobie,	Mr. Richards,
Mr. Hollis,	Mr. Dacey,
Mr. Ferguson,	Mr. Quirk,
Mr. Young,	Mr. Fallick,
Mr. McCoy,	Mr. Jessop,
Mr. Oakes,	Mr. J. F. Smith,
Mr. Sullivan,	Mr. McGowen,
Mr. Gillies,	Mr. Jones,
Mr. J. C. L. Fitzpatrick,	Mr. Gormly,
Mr. E. M. Clark,	Mr. McNeill,
Mr. Miller,	Mr. Collins,
Mr. McLaurin,	<i>Tellers,</i>
Mr. Nielsen,	Mr. Haynes,
Mr. Nobbs,	Mr. O'Conor.
Mr. Burgess,	
Mr. John Storey,	

Noes, 24.

Mr. Moore,	Mr. Latimer,
Mr. David Storey,	Mr. Barnes,
Mr. Wade,	Mr. Anderson,
Mr. Morton,	Mr. Thomas Fitzpatrick.
Mr. Cohen,	<i>Tellers,</i>
Mr. O'Sullivan,	Mr. Archibald Campbell,
Mr. Evans,	Mr. Garland.
Mr. Waddell,	
Mr. Ashton,	
Mr. Hogue,	
Mr. Millard,	
Mr. Moxham,	
Mr. W. F. Hurley,	
Mr. Phillips,	
Mr. Bennett,	
Mr. Donaldson,	
Mr. Kidd,	
Mr. Dight,	

*Omission of item agreed to.*

No. 19.

*Same Estimate.*

Question put, That the reduced Estimate, "Railways and Tramways," be agreed to.

Committee divided.

Ayes, 42.

Mr. Kidd,	Mr. Williams,
Mr. Moore,	Mr. McLaurin,
Mr. Archibald Campbell,	Mr. Anderson,
Mr. O'Sullivan,	Mr. Morton,
Mr. Waddell,	Mr. Cohen,
Mr. Evans,	Mr. Fallick,
Mr. Garland,	Mr. Millard,
Mr. Wade,	Mr. Moxham,
Mr. Crick,	Mr. Brinsley Hall,
Mr. Hogue,	Mr. Barnes,
Mr. Ashton,	Mr. Thomas Fitzpatrick,
Mr. David Storey,	Mr. Latimer,
Mr. W. F. Hurley,	Mr. Dacey,
Mr. Scobie,	Mr. Quirk,
Mr. McCoy,	Mr. Bennett,
Mr. Phillips,	Mr. Gormly,
Mr. Oakes,	Mr. J. F. Smith,
Mr. O'Conor,	Mr. Collins.
Mr. Haynes,	<i>Tellers,</i>
Mr. Dight,	Mr. Donaldson,
Mr. E. M. Clark,	Mr. J. C. L. Fitzpatrick.
Mr. Gillies,	

Noes, 16.

Mr. Affleck,
Mr. Estell,
Mr. Hollis,
Mr. Nobbs,
Mr. Sullivan,
Mr. Ferguson,
Mr. Miller,
Mr. Young,
Mr. Burgess,
Mr. John Storey,
Mr. McGowen,
Mr. Jones,
Mr. Jessop,
Mr. McNeill.
<i>Tellers,</i>
Mr. Nielsen,
Mr. MacMahon.

*Reduced Estimate, "Railways and Tramways, £100," agreed to.*

No. 20.

*Attorney-General and Justice.*

Motion made (*Mr. Affleck*), to omit item, "Salary of Acting Chief Justice to 15th December, 1903, £450"—and Question put.

Committee divided.

Ayes, 30.

Mr. Estell,	Mr. Young,
Mr. Moore,	Mr. Brinsley Hall,
Mr. Miller,	Mr. Quirk,
Mr. Thomas Fitzpatrick,	Mr. Burgess,
Mr. Affleck,	Mr. Jessop,
Mr. J. C. L. Fitzpatrick,	Mr. Nobbs,
Mr. Sullivan,	Mr. Millard,
Mr. J. F. Smith,	Mr. John Storey,
Mr. Scobie,	Mr. Jones,
Mr. Oakes,	Mr. Collins,
Mr. Hollis,	Mr. McGowen,
Mr. Gillies,	Mr. McNeill.
Mr. Ferguson,	<i>Tellers,</i>
Mr. McLaurin,	Mr. Williams,
Mr. MacMahon,	Mr. Dacey.
Mr. Nielsen,	

Noes, 23.

Mr. W. F. Hurley,	Mr. Bennett,
Mr. David Storey,	Mr. Moxham,
Mr. Cohen,	Mr. Donaldson,
Mr. Wade,	Mr. Kidd,
Mr. Garland,	Mr. Dight.
Mr. Hogue,	<i>Tellers,</i>
Mr. O'Sullivan,	Mr. E. M. Clark,
Mr. Waddell,	Mr. Phillips.
Mr. Ashton,	
Mr. Morton,	
Mr. Fallick,	
Mr. McCoy,	
Mr. Anderson,	
Mr. Archibald Campbell,	
Mr. Latimer,	
Mr. Barnes,	

*Omission of item agreed to.*

No. 21.

*Same Estimate.*

Question put,—That the reduced Estimate, £250 for Attorney-General and Justice, be agreed to.  
Committee divided.

Ayes, 13.

Mr. W. F. Hurley,  
Mr. Waddell,  
Mr. O'Sullivan,  
Mr. Kidd,  
Mr. Morton,  
Mr. E. M. Clark,  
Mr. McLaurin,  
Mr. Latimer,  
Mr. Donaldson,  
Mr. McNeill,  
Mr. Bennett.

*Tellers,*

Mr. Dight,  
Mr. Evans.

Mr. Moore,  
Mr. Nobbs,  
Mr. Phillips,  
Mr. Garland,  
Mr. Hogue,  
Mr. Ferguson,  
Mr. Miller,  
Mr. Affleck,  
Mr. Dacey,  
Mr. Moxham,  
Mr. J. C. L. Fitzpatrick,  
Mr. Nielsen,  
Mr. Williams,  
Mr. Thomas Fitzpatrick,  
Mr. Sullivan,

Noes, 37.

Mr. J. F. Smith,  
Mr. Fallick,  
Mr. McCoy,  
Mr. Anderson,  
Mr. Archibald Campbell,  
Mr. Hollis,  
Mr. Brinsley Hall,  
Mr. Young,  
Mr. Barnes,  
Mr. Jessep,  
Mr. Scobie,  
Mr. Oakes,  
Mr. Jones,  
Mr. Gormly,  
Mr. Collins,

Mr. John Storey,  
Mr. Estell,  
Mr. Millard,  
Mr. McGowen,  
Mr. Burgess.

*Tellers,*

Mr. MacMahon,  
Mr. Gillies.

*Reduced Estimate, £250 for Attorney-General and Justice, negatived.*

And the remaining Additional Estimates and the Loan Estimates having been dealt with,—

On motion of Mr. Crick the Chairman left the Chair to report progress and ask leave to sit again, and also report that the Committee had come to certain resolutions.

R. W. ROBERTSON,  
Clerk Assistant.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 17.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE.

*(EXTRACTED FROM THE MINUTES.)*

TUESDAY, 24 NOVEMBER, 1903.

No. 1.

## SENATORS ELECTION BILL.

Clause 1 having been dealt with,—

Clause 2. "Sections two, three, four, five, and six of" the Federal Elections Act, 1900, and Repeal the Schedule to that Act, are repealed. *(Read.)*Motion made (*Mr. Cohen*), in line 1, to leave out words "Sections two, three, four, five, and six of."

Question put,—That the words proposed to be left out stand part of the clause.

Committee divided.

Ayes, 55.

Mr. Kidd,	Mr. Brinsley Hall,
Mr. Hayes,	Mr. Nicholson,
Sir John See,	Mr. Quirk,
Mr. Perry,	Mr. Quinn,
Mr. Crick,	Mr. Davis,
Mr. O'Sullivan,	Mr. McFarlane,
Mr. Fegan,	Mr. O'Connor,
Mr. Williams,	Mr. Oakes,
Mr. Scobie,	Mr. Thomas,
Mr. Anderson,	Mr. Gillies,
Mr. W. F. Hurley,	Mr. Dacey,
Mr. Wuddell,	Mr. McGowen,
Mr. Heary Clarke,	Mr. Nelson,
Mr. Archer,	Mr. Gornly,
Mr. Bennett,	Mr. McNeill,
Mr. Nielsen,	Mr. Thomas Fitzpatrick,
Mr. Byrne,	Mr. Moxham,
Mr. Barnes,	Mr. Jones,
Mr. Levien,	Mr. Macdonald,
Mr. Richards,	Mr. Estell,
Mr. Miller,	Mr. John Storey,
Mr. McLaurin,	Mr. Hollis,
Mr. Sullivan,	Mr. Millard,
Mr. Holman,	Mr. Willis.
Mr. Evans,	<i>Tellers,</i>
Mr. MacMahon,	Mr. Collins,
Mr. Pyers,	Mr. Affleck.
Mr. Burgess,	
Mr. Young,	

Noes, 26.

Mr. Carruthers,
Mr. Cohen.
Mr. Eden George,
Mr. Levy,
Mr. Mahony,
Mr. Moore,
Mr. Ferguson,
Mr. Gariand,
Mr. Wood,
Mr. Jessop,
Mr. Hogue,
Mr. Fallick,
Mr. McCoy,
Mr. Rose,
Mr. Mackenzie,
Mr. Coleman,
Mr. Nobbs,
Mr. Gilbert,
Mr. Fleming,
Mr. Bruncker,
Mr. Hawthorne,
Mr. Dick,
Mr. Wade,
Mr. Law.
<i>Tellers,</i>
Mr. Price,
Mr. J. C. L. Fitzpatrick.

*Words stand.**Clause, as read, agreed to.*

And the remaining clauses of the Bill having been dealt with,—

On motion of Mr. Crick, the Chairman left the Chair to report the Bill, with an amendment, to the House.

30275 389—A

WEDNESDAY,

WEDNESDAY, 25 NOVEMBER, 1903, A.M.

No. 2.

## APPROPRIATION BILL.

Clauses 1 and 2 having been dealt with,—

Clause 3 read.

Motion made (*Mr. Crick*),—That the Honorable Member for Gloucester, Mr. Price, be not further heard,—and Question put.

Committee divided.

Ayes, 30.

Mr. Macdonell,	Mr. David Storey,
Mr. Waddell,	Mr. Kidd,
Mr. Crick,	Mr. McGowen,
Mr. Bennett,	Mr. Pyers,
Mr. Nielsen,	Mr. Estell,
Mr. Perry,	Mr. Burgess,
Mr. Scobie,	Mr. Richards,
Mr. Miller,	Mr. Brinsley Hall,
Mr. Hollis,	Mr. Collins,
Mr. McLaurin,	Mr. Gillies,
Mr. O'Sullivan,	Mr. J. F. Smith,
Mr. Evans,	Mr. McNeill.
Mr. MacMahon,	<i>Tellers,</i>
Mr. W. F. Hurley,	Mr. Thomas Fitzpatrick,
Mr. Williams,	Mr. Ferguson.
Mr. Dacey,	

Noes, 21.

Mr. Moore,	Mr. Moxham,
Mr. Nobbs,	Mr. Millard,
Mr. Cohen,	Mr. Gormly.
Mr. McCoy,	<i>Tellers,</i>
Mr. Jessep,	Mr. J. C. L. Fitzpatrick,
Mr. E. M. Clark,	Mr. Garland.
Mr. Price,	
Mr. Fallick,	
Mr. Morton,	
Mr. Brunker,	
Mr. Coleman,	
Mr. Fleming,	
Mr. Mackenzie,	
Mr. John Hurley,	
Mr. Latimer,	
Mr. Gilbert,	

*Agreed to.*

No. 3.

## SAME BILL.

*Same Clause.*

Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

Ayes, 32.

Mr. J. C. L. Fitzpatrick,	Mr. Richards,
Mr. Crick,	Mr. Pyers,
Mr. Waddell,	Mr. John Storey,
Mr. Perry,	Mr. Nielsen,
Mr. W. F. Hurley,	Mr. Evans,
Mr. Bennett,	Mr. Williams,
Mr. Scobie,	Mr. Kidd,
Mr. Hollis,	Mr. MacMahon,
Mr. Miller,	Mr. O'Sullivan,
Mr. Gillies,	Mr. J. F. Smith,
Mr. Moore,	Mr. Gormly,
Mr. Brunker,	Mr. McNeill,
Mr. Macdonell,	Mr. Moxham.
Mr. Davis,	<i>Tellers,</i>
Mr. Thomas Fitzpatrick,	Mr. Estell,
Mr. Collins,	Mr. Dacey.
Mr. McGowen,	

Noes, 15.

Mr. John Hurley,
Mr. Nobbs,
Mr. Cohen,
Mr. Jessep,
Mr. Garland,
Mr. E. M. Clark,
Mr. Fallick,
Mr. Fleming,
Mr. Coleman,
Mr. Ferguson,
Mr. Latimer,
Mr. Gilbert,
Mr. McCoy.
<i>Tellers,</i>
Mr. Mackenzie,
Mr. Price.

*Clause, as read, agreed to.*

And the remaining clauses having been dealt with,—

On motion of Mr. Waddell, the Chairman left the Chair to report the Bill, without amendment, to the House.

WEDNESDAY, 25 NOVEMBER, 1903.

No. 4.

## GOVERNMENT SAVINGS BANK (AMENDMENT) BILL.

Clause 1 having been dealt with,—

Repeal.

Clause 2. Sections "four," ten, and thirteen of the Principal Act are hereby repealed. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill.

Motion made (*Mr. David Storey*), to leave out the word "four" from line 1.

Question proposed,—That the word proposed to be left out stand part of the clause.

Motion made (*Mr. Crick*),—"That the Question be now put," and Question put.

Committee



Committee divided.

Ayes, 41.

Mr. Perry,	Mr. Pyers,
Mr. Waddell,	Mr. MacMahon,
Sir John See,	Mr. Hollis,
Mr. Crick,	Mr. Bennett,
Mr. Kidd,	Mr. Levien,
Mr. Sullivan,	Mr. O'Sullivan,
Mr. Dight,	Mr. Alexander Campbell,
Mr. Scobie,	Mr. Henry Clarke,
Mr. Anderson,	Mr. Fegan,
Mr. Gillies,	Mr. J. F. Smith,
Mr. McFarlane,	Mr. W. F. Hurley,
Mr. McGowen,	Mr. Edden,
Mr. Nielsen,	Mr. Jones,
Mr. Dacey,	Mr. Richards,
Mr. McLaurin,	Mr. Collins,
Mr. Quirk,	Mr. McNeill,
Mr. Nelson,	Mr. John Storey.
Mr. Nicholson,	
Mr. Young,	<i>Tellers,</i>
Mr. Estell,	Mr. Burgess,
Mr. Byrne,	Mr. Miller.
Mr. Brinsley Hall,	

Noes, 26.

Mr. Fallick,	Mr. Gilbert,
Mr. Fleming,	Mr. Hawthorne.
Mr. John Hurley,	<i>Tellers,</i>
Mr. Levy,	Mr. Law,
Mr. Carruthers,	Mr. Phillips.
Mr. David Storey,	
Mr. Garland,	
Mr. Nobbs,	
Mr. J. C. L. Fitzpatrick,	
Mr. Hogue,	
Mr. Morton,	
Mr. Price,	
Mr. Coleman,	
Mr. Cohen,	
Mr. McCoy,	
Mr. Millard,	
Mr. Mackenzie,	
Mr. Affleck,	
Mr. Mahony,	
Mr. Brunker,	
Mr. Broughton,	
Mr. Latimer,	

*Agreed to.*

And the Committee continuing to sit after Midnight,—

THURSDAY, 26 NOVEMBER, 1903, A.M.

No. 5.

SAME BILL.

*Same Clause.*

Question put,—That the word proposed to be left out stand part of the clause.

Committee divided.

Ayes, 42.

Mr. Perry,	Mr. McLaurin,
Mr. Waddell,	Mr. Quirk,
Sir John See,	Mr. Nelson,
Mr. Crick,	Mr. Nicholson,
Mr. Kidd,	Mr. Young,
Mr. Bennett,	Mr. Estell,
Mr. Sullivan,	Mr. Byrne,
Mr. Dight,	Mr. Brinsley Hall,
Mr. Scobie,	Mr. Pyers,
Mr. W. F. Hurley,	Mr. MacMahon,
Mr. J. F. Smith,	Mr. Hollis,
Mr. Fegan,	Mr. Edden,
Mr. Henry Clarke,	Mr. Jones,
Mr. Alexander Campbell,	Mr. Richards,
Mr. O'Sullivan,	Mr. Collins,
Mr. Levien,	Mr. McNeill,
Mr. Nielsen,	Mr. John Storey,
Mr. McFarlane,	Mr. Macdonald.
Mr. McGowen,	
Mr. Dacey,	<i>Tellers,</i>
Mr. Burgess,	Mr. Anderson,
Mr. Miller,	Mr. Gillies.

Noes, 26.

Mr. Fallick,	Mr. Nobbs,
Mr. Fleming,	Mr. John Hurley.
Mr. Levy,	<i>Tellers,</i>
Mr. Carruthers,	Mr. Price,
Mr. David Storey,	Mr. Gilbert
Mr. Garland,	
Mr. J. C. L. Fitzpatrick,	
Mr. Hogue,	
Mr. Coleman,	
Mr. McCoy,	
Mr. Cohen,	
Mr. Millard,	
Mr. Mackenzie,	
Mr. Affleck,	
Mr. Mahony,	
Mr. Brunker,	
Mr. Broughton,	
Mr. Latimer,	
Mr. Law,	
Mr. Hawthorne,	
Mr. Morton,	
Mr. Phillips,	

*Word stands.*

No. 6.

SAME BILL.

*Same Clause.*

Motion made (Mr. Waddell),—"That the Question be now put,"—and Question put.

Committee divided.

Ayes, 42.

Mr. Perry,	Mr. Hollis,
Mr. Waddell,	Mr. MacMahon,
Sir John See,	Mr. Pyers,
Mr. Crick,	Mr. Brinsley Hall,
Mr. Kidd,	Mr. Byrne,
Mr. Bennett,	Mr. Young,
Mr. Sullivan,	Mr. Nicholson,
Mr. Dight,	Mr. Nelson,
Mr. Scobie,	Mr. Quirk,
Mr. W. F. Hurley,	Mr. McLaurin,
Mr. J. F. Smith,	Mr. Collins,
Mr. Fegan,	Mr. Richards,
Mr. Henry Clarke,	Mr. Jones,
Mr. Alexander Campbell,	Mr. Edden,
Mr. O'Sullivan,	Mr. Macdonald,
Mr. Levien,	Mr. John Storey,
Mr. Nielsen,	Mr. McNeill,
Mr. Gillies,	Mr. Estell.
Mr. Anderson,	
Mr. McFarlane,	<i>Tellers,</i>
Mr. McGowen,	Mr. Burgess,
Mr. Dacey,	Mr. Miller.

Noes, 27.

Mr. Fallick,	Mr. Oakes,
Mr. Fleming,	Mr. McCoy,
Mr. John Hurley,	Mr. Coleman.
Mr. Levy,	<i>Tellers,</i>
Mr. Carruthers,	Mr. Broughton,
Mr. David Storey,	Mr. Phillips.
Mr. Garland,	
Mr. J. C. L. Fitzpatrick,	
Mr. Hogue,	
Mr. Price,	
Mr. Nobbs,	
Mr. Hawthorne,	
Mr. Morton,	
Mr. Gilbert,	
Mr. Law,	
Mr. Latimer,	
Mr. Brunker,	
Mr. Mahony,	
Mr. Affleck,	
Mr. Mackenzie,	
Mr. Millard,	
Mr. Cohen,	

*Agreed to.*

No. 7.

No. 7.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as read, stand part of the Bill.

Committee divided.

Ayes, 41.

Mr. Perry,	Mr. McGowen,
Mr. Waddell,	Mr. Dacey,
Sir John See,	Mr. Burgess,
Mr. Crick,	Mr. Pyers,
Mr. Kidd,	Mr. Byrne,
Mr. Bennett,	Mr. Estell,
Mr. Sullivan,	Mr. Young,
Mr. Dight,	Mr. Nicholson,
Mr. Gillies,	Mr. Nelson,
Mr. Scobie,	Mr. Quirk,
Mr. W. F. Hurley,	Mr. McLaurin,
Mr. J. F. Smith,	Mr. Collins,
Mr. Fegan,	Mr. Richards,
Mr. Henry Clarke,	Mr. Jones,
Mr. Alexander Campbell,	Mr. Macdonald,
Mr. O'Sullivan,	Mr. John Storey,
Mr. Levien,	Mr. McNeill.
Mr. Nielsen,	
Mr. Miller,	<i>Tellers,</i>
Mr. Meagher,	Mr. Hollis,
Mr. Anderson,	Mr. MacMahon.
Mr. McFarlane,	

Noes, 28.

Mr. Fallick,	Mr. Law,
Mr. Fleming,	Mr. Morton,
Mr. John Hurley,	Mr. Hawthorne,
Mr. Levy,	Mr. Dick.
Mr. Nobbs,	<i>Tellers,</i>
Mr. Carruthers,	
Mr. David Storey,	Mr. Gilbert,
Mr. Garland,	Mr. Phillips.
Mr. J. C. L. Fitzpatrick,	
Mr. Hogue,	
Mr. Price,	
Mr. Broughton,	
Mr. Coleman,	
Mr. McCoy,	
Mr. Oakes,	
Mr. Millard,	
Mr. Mackenzie,	
Mr. Afleck,	
Mr. Cohen,	
Mr. Mahony,	
Mr. Brunker,	
Mr. Latimer,	

*Clause, as read, agreed to.*

No. 8.

SAME BILL.

Clause 3. The Governor may authorise and direct—

“(a) such officer of the postal department of the Commonwealth upon whom duties in respect of the administration of the Principal Act have been imposed by and under that Act; or”

(b) any officer of the State departments;

to receive “deposits” not exceeding “three” hundred pounds, except in the case of Friendly and Charitable Societies and Trades Unions, for remittance to the Treasury, and to repay the same under such regulations as the Governor may prescribe :

Provided that such deposits shall not be of less amount than one shilling, nor of any sum not a multiple thereof. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill.

Motion made (*Mr. J. C. L. Fitzpatrick*), to leave out subsection (a).

Question proposed,—That the words proposed to be left out stand part of the clause.

Motion made (*Mr. Waddell*),—“That the Question be now put”,—and Question put.

Committee divided.

Ayes, 33.

Mr. Perry,	Mr. McGowen,
Sir John See,	Mr. Nielsen,
Mr. Waddell,	Mr. Hollis,
Mr. Crick,	Mr. Pyers,
Mr. Bennett,	Mr. Nelson,
Mr. O'Sullivan,	Mr. Nicholson,
Mr. Dight,	Mr. W. F. Hurley,
Mr. MacMahon,	Mr. Estell,
Mr. J. F. Smith,	Mr. Meagher,
Mr. Dacey,	Mr. McLaurin,
Mr. Henry Clarke,	Mr. Young,
Mr. Alexander Campbell,	Mr. Byrne,
Mr. Levien,	Mr. Macdonald,
Mr. Richards,	Mr. John Storey,
Mr. Burgess,	Mr. Quirk,
Mr. Miller,	Mr. McNeill.
Mr. Anderson,	<i>Tellers,</i>
Mr. McFarlane,	
Mr. Kidd,	Mr. Scobie,
Mr. Fegan,	Mr. Gillies.

Noes, 27.

Mr. Fallick,	Mr. John Hurley,
Mr. Fleming,	Mr. Hogue,
Mr. Mahony,	Mr. Hawthorne,
Mr. Levy,	Mr. Collins,
Mr. Morton,	Mr. Millard.
Mr. David Storey,	<i>Tellers,</i>
Mr. Carruthers,	
Mr. Garland,	Mr. Phillips,
Mr. Cohen,	Mr. J. C. L. Fitzpatrick.
Mr. Nobbs,	
Mr. Price,	
Mr. Coleman,	
Mr. Oakes,	
Mr. McCoy,	
Mr. Mackenzie,	
Mr. Afleck,	
Mr. Broughton,	
Mr. Brunker,	
Mr. Gilbert,	
Mr. Latimer,	

*Not decided in the affirmative.**Words stand, agreed to.*

No. 9.

Governor may authorise officers to receive deposits.

## No. 9.

## SAME BILL.

*Same Clause.*

Motion made (*Mr. Waddell*), to insert after the word "deposits" in line 6 the words "not exceeding 'three' hundred pounds, except in the case of Friendly and Charitable Societies and Trades Unions."

Question proposed,—That the words proposed to be inserted be so inserted.

Amendment moved (*Mr. Affleck*), to leave out from the proposed amendment the word "three," and insert the word "four" instead thereof.

Question proposed,—That the word proposed to be left out stand part of the proposed amendment.

Motion made (*Mr. Perry*),—That the Honorable Member for Newcastle East, Mr. Dick, be not further heard,—and Question put.

Committee divided.

## Ayes, 41.

Mr. Waddell,	Mr. Nielsen,
Sir John Sec,	Mr. Hollis,
Mr. Crick,	Mr. Sullivan,
Mr. O'Sullivan,	Mr. Dacey,
Mr. Perry,	Mr. Richards,
Mr. Scobie,	Mr. Alexander Campbell,
Mr. Gillies,	Mr. J. F. Smith,
Mr. Bennett,	Mr. Henry Clarke,
Mr. Anderson,	Mr. W. F. Hurley,
Mr. McFarlane,	Mr. Young,
Mr. Dight,	Mr. Kidd,
Mr. Fegan,	Mr. Byrne,
Mr. Collins,	Mr. Quirk,
Mr. Levien,	Mr. Macdonald,
Mr. Edden,	Mr. Moughor,
Mr. Nicholson,	Mr. McLaurin,
Mr. Burgess,	Mr. McNeill.
Mr. John Storey,	<i>Tellers,</i>
Mr. Pyers,	Mr. Miller,
Mr. Nelson,	Mr. Estell.
Mr. McGowen,	
Mr. MacMahon,	

## Noes, 23.

Mr. Fallick,	Mr. Hogue,
Mr. Fleming,	Mr. Latimer,
Mr. Levy,	Mr. Hawthorne,
Mr. Mahony,	Mr. Morton.]
Mr. David Storey,	<i>Tellers,</i>
Mr. Carruthers,	Mr. Law,
Mr. Cohen,	Mr. Price.
Mr. Garland,	
Mr. Nobbs,	
Mr. John Hurley,	
Mr. Coleman,	
Mr. Mackenzie,	
Mr. McCoy,	
Mr. Millard,	
Mr. Affleck,	
Mr. Oakes,	
Mr. Bruncker,	
Mr. Broughton,	
Mr. Gilbert,	
Mr. Dick,	
Mr. J. C. L. Fitzpatrick,	
Mr. Phillips,	

*Agreed to.*

## No. 10.

## SAME BILL.

*Same Clause.*

Motion made (*Mr. Anderson*),—"That the Question be now put,"—and Question put.

Committee divided.

## Ayes, 41.

Mr. Miller,	Mr. McGowen,
Mr. Waddell,	Mr. John Storey,
Sir John Sec,	Mr. Nelson,
Mr. Crick,	Mr. Pyers,
Mr. O'Sullivan,	Mr. Burgess,
Mr. Perry,	Mr. Nicholson,
Mr. Bennett,	Mr. Edden,
Mr. W. F. Hurley,	Mr. Levien,
Mr. Henry Clarke,	Mr. Collins,
Mr. J. F. Smith,	Mr. Young,
Mr. Alexander Campbell,	Mr. Kidd,
Mr. Richards,	Mr. Byrne,
Mr. Dacey,	Mr. Quirk,
Mr. Sullivan,	Mr. Macdonald,
Mr. Hollis,	Mr. McLaurin,
Mr. Anderson,	Mr. McNeill,
Mr. McFarlane,	Mr. Moughor.
Mr. Dight,	<i>Tellers,</i>
Mr. Fegan,	Mr. Scobie,
Mr. Estell,	Mr. Gillies,
Mr. Nielsen,	
Mr. MacMahon,	

## Noes, 27.

Mr. Fallick,	Mr. Price,
Mr. Fleming,	Mr. Law,
Mr. Levy,	Mr. Morton.
Mr. Mahony,	<i>Tellers,</i>
Mr. David Storey,	Mr. John Hurley,
Mr. Carruthers,	Mr. Garland
Mr. Cohen,	
Mr. Nobbs,	
Mr. Coleman,	
Mr. Mackenzie,	
Mr. McCoy,	
Mr. Millard,	
Mr. Affleck,	
Mr. Oakes,	
Mr. Bruncker,	
Mr. Broughton,	
Mr. Gilbert,	
Mr. Hogue,	
Mr. Latimer,	
Mr. Hawthorne,	
Mr. J. C. L. Fitzpatrick,	
Mr. Phillips,	

*Agreed to.*

## No. 11.

## SAME BILL.

*Same Clause.*

Question,—That the word proposed to be left out stand part of the proposed amendment,—put and passed.

Question again proposed,—That the words proposed to be inserted be so inserted.

Motion made (*Mr. Crick*),—"That the Question be now put,"—and Question put.

Committee.

Committee divided.

Ayes, 41.

Mr. Miller,	Mr. Nielsen,
Mr. Waddell,	Mr. MacMahon,
Sir John See,	Mr. McGowen,
Mr. Crick,	Mr. John Storey,
Mr. O'Sullivan,	Mr. Nelson,
Mr. Perry,	Mr. Pyers,
Mr. Scobie,	Mr. Burgess,
Mr. Gillies,	Mr. Nicholson,
Mr. Bennett,	Mr. Edden,
Mr. W. F. Hurley,	Mr. Levien,
Mr. Henry Clarke,	Mr. Quirk,
Mr. J. F. Smith,	Mr. Byrne,
Mr. Alexander Campbell,	Mr. Kidd,
Mr. Richards,	Mr. Young,
Mr. Dacey,	Mr. McLaurin,
Mr. Sullivan,	Mr. Meagher,
Mr. Hollis,	Mr. McNeill.
Mr. Anderson,	<i>Tellers,</i>
Mr. McFarlane,	Mr. Collins,
Mr. Dight,	Mr. Macdonald.
Mr. Fegan,	
Mr. Estell,	

Noes, 26.

Mr. Fallick,	Mr. Hawthorne,
Mr. Fleming,	Mr. Morton.
Mr. Levy,	<i>Tellers,</i>
Mr. Mahony,	Mr. Law,
Mr. J. C. L. Fitzpatrick,	Mr. Phillips.
Mr. David Storey,	
Mr. Carruthers,	
Mr. Cohen,	
Mr. Garland,	
Mr. Nobbs,	
Mr. John Hurley,	
Mr. Price,	
Mr. Coleman,	
Mr. Mackenzie,	
Mr. McCoy,	
Mr. Millard,	
Mr. Affleck,	
Mr. Oakes,	
Mr. Bruncker,	
Mr. Broughton,	
Mr. Gilbert,	
Mr. Latimer,	

Agreed to.

And the words proposed to be inserted having been inserted,—

No. 12.

SAME BILL.

*Same Clause.*

Question proposed,—That the clause, as amended, stand part of the Bill.

Motion made (*Mr. Levien*),—That the Honorable Member for Petersham, Mr. Cohen, be not further heard,—and Question put.

Committee divided.

Ayes, 39.

Sir John See,	Mr. Fegan,
Mr. Miller,	Mr. Estell,
Mr. Waddell,	Mr. Nielsen,
Mr. Bennett,	Mr. MacMahon,
Mr. Crick,	Mr. John Storey,
Mr. O'Sullivan,	Mr. Nelson,
Mr. Perry,	Mr. Dight,
Mr. Scobie,	Mr. Nicholson,
Mr. Levien,	Mr. Edden,
Mr. Kidd,	Mr. Macdonald,
Mr. Henry Clarke,	Mr. Young,
Mr. J. F. Smith,	Mr. Byrne,
Mr. Richards,	Mr. Quirk,
Mr. Alexander Campbell,	Mr. McNeill,
Mr. W. F. Hurley,	Mr. Meagher,
Mr. Dacey,	Mr. McLaurin.
Mr. Sullivan,	<i>Tellers,</i>
Mr. Hollis,	Mr. Burgess,
Mr. Anderson,	Mr. Gillies.
Mr. McFarlane,	
Mr. McGowen,	

Noes, 26.

Mr. Fallick,	Mr. Phillips,
Mr. Fleming,	Mr. Price,
Mr. Levy,	Mr. John Hurley.
Mr. Mahony,	<i>Tellers,</i>
Mr. Garland,	Mr. Morton,
Mr. Carruthers,	Mr. Collins.
Mr. J. C. L. Fitzpatrick,	
Mr. Cohen,	
Mr. Nobbs,	
Mr. Law,	
Mr. Coleman,	
Mr. David Storey,	
Mr. Mackenzie,	
Mr. McCoy,	
Mr. Affleck,	
Mr. Oakes,	
Mr. Bruncker,	
Mr. Hogue,	
Mr. Latimer,	
Mr. Broughton,	
Mr. Hawthorne,	

Agreed to.

No. 13.

SAME BILL.

*Same Clause.*Motion made (*Mr. Waddell*),—"That the Question be now put,"—and Question put.

Committee divided.

Ayes, 40.

Sir John See,	Mr. McGowen,
Mr. Waddell,	Mr. Burgess,
Mr. Miller,	Mr. Fegan,
Mr. Bennett,	Mr. Estell,
Mr. Crick,	Mr. Collins,
Mr. O'Sullivan,	Mr. Nielsen,
Mr. Perry,	Mr. MacMahon,
Mr. Scobie,	Mr. Nelson,
Mr. Levien,	Mr. John Storey,
Mr. Kidd,	Mr. Dight,
Mr. Henry Clarke,	Mr. Nicholson,
Mr. J. F. Smith,	Mr. Quirk,
Mr. Richards,	Mr. Byrne,
Mr. Alexander Campbell,	Mr. Young,
Mr. W. F. Hurley,	Mr. Meagher,
Mr. Dacey,	Mr. McNeill,
Mr. Sullivan,	Mr. McLaurin.
Mr. Hollis,	<i>Tellers,</i>
Mr. Anderson,	Mr. Edden,
Mr. Gillies,	Mr. Macdonald.
Mr. McFarlane,	

Noes, 25.

Mr. Fallick,	Mr. Hawthorne,
Mr. Fleming,	Mr. Phillips.
Mr. Levy,	<i>Tellers,</i>
Mr. Mahony,	Mr. Mackenzie,
Mr. Garland,	Mr. David Storey.
Mr. Carruthers,	
Mr. J. C. L. Fitzpatrick,	
Mr. Cohen,	
Mr. Nobbs,	
Mr. Law,	
Mr. Coleman,	
Mr. McCoy,	
Mr. Affleck,	
Mr. Oakes,	
Mr. Bruncker,	
Mr. Morton,	
Mr. John Hurley,	
Mr. Price,	
Mr. Hogue,	
Mr. Latimer,	
Mr. Broughton,	

Agreed to.

No. 14.

No. 14.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as amended, stand part of the Bill.  
Committee divided.

Ayes, 41.

Sir John See,	Mr. Burgess,
Mr. Miller,	Mr. Fegan,
Mr. Waddell,	Mr. Estell,
Mr. Bennett,	Mr. Collins,
Mr. Crick,	Mr. Pyers,
Mr. O'Sullivan,	Mr. Nelson,
Mr. Perry,	Mr. John Storey,
Mr. Scobie,	Mr. Dight,
Mr. Levien,	Mr. Nicholson,
Mr. Kidd,	Mr. Edden,
Mr. Henry Clarke,	Mr. Young,
Mr. J. F. Smith,	Mr. Byrne,
Mr. Richards,	Mr. Quirk,
Mr. Alexander Campbell,	Mr. Macdonald,
Mr. W. F. Hurley,	Mr. McNeill,
Mr. Dacey,	Mr. McLaurin,
Mr. Sullivan,	Mr. Meagher,
Mr. Hollis,	<i>Tellers,</i>
Mr. Anderson,	Mr. MacMahon,
Mr. Gillies,	Mr. Nielsen.
Mr. McFarlane,	
Mr. McGowen,	

Noes, 27.

Mr. Fallick,	Mr. Hawthorne,
Mr. Fleming,	Mr. Phillips,
Mr. Levy,	Mr. Millard.
Mr. Mahony,	<i>Tellers,</i>
Mr. Garland,	Mr. Nobbs,
Mr. Carruthers,	Mr. Law.
Mr. J. C. L. Fitzpatrick,	Mr. Cohen,
Mr. John Hurley,	Mr. Price,
Mr. Dick,	Mr. Coleman,
Mr. Coleman,	Mr. David Storey,
Mr. David Storey,	Mr. Mackenzie,
Mr. Mackenzie,	Mr. McCoy,
Mr. McCoy,	Mr. Affleck,
Mr. Affleck,	Mr. Oakes,
Mr. Oakes,	Mr. Bruncker,
Mr. Bruncker,	Mr. Morton,
Mr. Morton,	Mr. Hogue,
Mr. Hogue,	Mr. Latimer,
Mr. Latimer,	Mr. Broughton,
Mr. Broughton,	

*Clause, as amended, agreed to.*

No. 15.

SAME BILL.

Clause 4, read—

Question put,—That clause, as read, stand part of the Bill.  
Committee divided.

Ayes, 41.

Sir John See,	Mr. Nelson,
Mr. Miller,	Mr. Pyers,
Mr. Waddell,	Mr. Sullivan,
Mr. Levien,	Mr. Quirk,
Mr. Crick,	Mr. Dacey,
Mr. Perry,	Mr. W. F. Hurley,
Mr. O'Sullivan,	Mr. Alexander Campbell,
Mr. Anderson,	Mr. Richards,
Mr. Scobie,	Mr. MacMahon,
Mr. Gillies,	Mr. Henry Clarke,
Mr. Nielsen,	Mr. J. F. Smith,
Mr. McGowen,	Mr. Fegan,
Mr. Kidd,	Mr. Meagher,
Mr. Bennett,	Mr. McNeill,
Mr. McFarlane,	Mr. Edden,
Mr. Estell,	Mr. Macdonald,
Mr. Burgess,	Mr. McLaurin.
Mr. Nicholson,	<i>Tellers,</i>
Mr. Collins,	Mr. Hollis,
Mr. Dight,	Mr. John Storey.
Mr. Byrne,	
Mr. Young,	

Noes, 25.

Mr. Fallick,	Mr. Millard.
Mr. Fleming,	<i>Tellers,</i>
Mr. Levy,	Mr. Oakes,
Mr. Mahony,	Mr. Affleck.
Mr. Garland,	
Mr. Carruthers,	
Mr. Cohen,	
Mr. J. C. L. Fitzpatrick,	
Mr. Law,	
Mr. John Hurley,	
Mr. Coleman,	
Mr. Broughton,	
Mr. Nobbs,	
Mr. Mackenzie,	
Mr. McCoy,	
Mr. Bruncker,	
Mr. Morton,	
Mr. Hogue,	
Mr. Price,	
Mr. Latimer,	
Mr. Phillips,	
Mr. Hawthorne,	

*Clause, as read, agreed to.*

And Clauses 5 and 6 having been dealt with,—

No. 16.

SAME BILL.

Clause 7. (1) An annual account of all deposits received and paid under this or the Principal Act, and of all expenses incurred during the year ending on the thirtieth day of June, together with a statement of the total amount due at the close of the year to all depositors, and of the cash and securities then held, shall be laid before both Houses of Parliament not later than the ~~thirtieth day of September~~ **thirty-first day of October** in each year, if Parliament is then sitting, and if not, then within fourteen days from the commencement of the next ensuing session.

Annual account  
to be laid before  
Parliament.

(2) Such annual account to the thirtieth day of June in each year shall, prior to the thirtieth day of September in each year, be submitted for examination and audit to the Auditor-General. *(Read).*

and submitted  
to Auditor-  
General.

Motion made (*Mr. Waddell*), to leave out from line 5 the words "thirtieth day of September" and insert the words "thirty-first day of October," instead thereof.

Question put,—That the words proposed to be left out stand part of the clause.

Committee

Committee divided.

Ayes, 23.

Mr. Law,	Mr. J. C. L. Fitzpatrick.
Mr. Mahony,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Latimer,
Mr. Cohen,	Mr. Afleck.
Mr. Broughton,	
Mr. Carruthers,	
Mr. Garland,	
Mr. Levy,	
Mr. Oakes,	
Mr. Hogue,	
Mr. Fleming,	
Mr. Mackenzie,	
Mr. Fallick,	
Mr. Brunner,	
Mr. Phillips,	
Mr. Price,	
Mr. John Hurley,	
Mr. Coleman,	
Mr. McCoy,	
Mr. Millard,	

*Words left out.*

Noes, 37.

Mr. Meagher,	Mr. Anderson,
Mr. McGowen,	Mr. Byrne,
Mr. O'Sullivan,	Mr. Young,
Mr. Perry,	Mr. Nelson,
Mr. Waddell,	Mr. Dight,
Mr. Bennett,	Mr. Collins,
Sir John See,	Mr. Macdonald,
Mr. Levien,	Mr. Burgess,
Mr. Gillies,	Mr. John Storey,
Mr. W. F. Hurley,	Mr. Pyers,
Mr. McFarlane,	Mr. J. F. Smith,
Mr. Richards,	Mr. Estell,
Mr. Alexander Campbell,	Mr. McLaurin,
Mr. Miller,	Mr. Nielsen,
Mr. Crick,	Mr. McNeill.
Mr. Henry Clarke,	<i>Tellers,</i>
Mr. Sullivan,	Mr. Dacey,
Mr. Hollis,	Mr. Scobie.
Mr. Kidd,	
Mr. MacMahon,	

No. 17.

SAME BILL.

*Same Clause.*

Question put,—That the words proposed to be inserted be so inserted.  
Committee divided.

Ayes, 37.

Mr. Perry,	Mr. Dight,
Mr. Richards,	Mr. Nelson,
Mr. Henry Clarke,	Mr. Young,
Sir John See,	Mr. Collins,
Mr. Levien,	Mr. Edden,
Mr. Waddell,	Mr. Nielsen,
Mr. Bennett,	Mr. Estell,
Mr. O'Sullivan,	Mr. Burgess,
Mr. Crick,	Mr. John Storey,
Mr. W. F. Hurley,	Mr. McGowen,
Mr. McFarlane,	Mr. J. F. Smith,
Mr. Dacey,	Mr. McLaurin,
Mr. Alexander Campbell,	Mr. Macdonald,
Mr. Gillies,	Mr. McNeill,
Mr. Kidd,	Mr. Meagher.
Mr. MacMahon,	<i>Tellers,</i>
Mr. Scobie,	Mr. Miller,
Mr. Sullivan,	Mr. Hollis.
Mr. Anderson,	
Mr. Pyers,	

*Words inserted.*

Noes, 23.

Mr. Mahony,	Mr. McCoy.
Mr. Law,	<i>Tellers,</i>
Mr. Levy,	Mr. Mackenzie,
Mr. Hogue,	Mr. Cohen.
Mr. Carruthers,	
Mr. Garland,	
Mr. J. C. L. Fitzpatrick,	
Mr. Nobbs,	
Mr. Fallick,	
Mr. Oakes,	
Mr. Afleck,	
Mr. Brunner,	
Mr. Broughton,	
Mr. Fleming,	
Mr. Latimer,	
Mr. Coleman,	
Mr. Price,	
Mr. Phillips,	
Mr. John Hurley,	
Mr. Millard,	

No. 18.

SAME BILL.

*Same Clause.*

Question put,—That the clause, as amended, stand part of the Bill.  
Committee divided.

Ayes, 38.

Mr. Perry,	Mr. Pyers,
Mr. Richards,	Mr. Anderson,
Mr. Henry Clarke,	Mr. Sullivan,
Mr. Waddell,	Mr. Scobie,
Sir John See,	Mr. Alexander Campbell,
Mr. Levien,	Mr. Dacey,
Mr. Miller,	Mr. McFarlane,
Mr. Bennett,	Mr. W. F. Hurley,
Mr. O'Sullivan,	Mr. Burgess,
Mr. Crick,	Mr. John Storey,
Mr. Gillies,	Mr. McGowen,
Mr. Hollis,	Mr. J. F. Smith,
Mr. Kidd,	Mr. McNeill,
Mr. MacMahon,	Mr. Meagher,
Mr. Edden,	Mr. McLaurin,
Mr. Collins,	Mr. Macdonald.
Mr. Byrne,	<i>Tellers,</i>
Mr. Young,	Mr. Estell,
Mr. Nelson,	Mr. Nielsen.
Mr. Dight,	

*Clause, as amended, agreed to.*

Noes, 25.

Mr. Mahony,	Mr. Coleman,
Mr. Law,	Mr. McCoy,
Mr. Levy,	Mr. Millard.
Mr. Hogue,	<i>Tellers,</i>
Mr. Carruthers,	Mr. Price,
Mr. Garland,	Mr. Phillips.
Mr. Cohen,	
Mr. J. C. L. Fitzpatrick,	
Mr. Mackenzie,	
Mr. John Hurley,	
Mr. Nobbs,	
Mr. Fallick,	
Mr. Oakes,	
Mr. Afleck,	
Mr. Gilbert,	
Mr. Brunner,	
Mr. Broughton,	
Mr. Fleming,	
Mr. Latimer,	
Mr. Morton,	

No. 19.

SAME BILL.

Mr. Garland brought up new clause, to follow Clause 7.

No moneys deposited with the Bank under this or the principal Act shall be expended in the purchase of land and buildings, or of land only. (*Read.*)

Question put,—That clause, as read, stand part of the Bill.

Committee

Committee divided.

Ayes, 25.

Mr. Fleming,	Mr. Millard,
Mr. Mahony,	Mr. Morton.
Mr. John Hurley,	<i>Tellers,</i>
Mr. Garland,	Mr. Mackenzie,
Mr. Hogue,	Mr. Price.
Mr. Law,	
Mr. Cohen,	
Mr. Carruthers,	
Mr. Levy,	
Mr. Broughton,	
Mr. Fallick,	
Mr. Nobbs,	
Mr. Bruncker,	
Mr. J. C. L. Fitzpatrick,	
Mr. Phillips,	
Mr. Affleck,	
Mr. Latimer,	
Mr. Oakes,	
Mr. Gilbert,	
Mr. Coleman,	
Mr. McCoy,	

Noes, 40.

Mr. Crick,	Mr. Richards,
Mr. Dacey,	Mr. Alexander Campbell,
Mr. Perry,	Mr. Nicholson,
Mr. Kidd,	Mr. Young,
Mr. Henry Clarke,	Mr. Byrne,
Sir John See,	Mr. Dight,
Mr. Waddell,	Mr. Pyers,
Mr. Miller,	Mr. Edden,
Mr. W. F. Hurley,	Mr. Scobie,
Mr. McFarlane,	Mr. Burgess,
Mr. J. F. Smith,	Mr. John Storey,
Mr. Sullivan,	Mr. Nelson,
Mr. Bennett,	Mr. Macdonald,
Mr. Gillies,	Mr. Nielsen,
Mr. Levien,	Mr. McNeill,
Mr. O'Sullivan,	Mr. Meagher,
Mr. Anderson,	Mr. McLaurin.
Mr. Hollis,	<i>Tellers,</i>
Mr. Fegan,	Mr. MacMahon,
Mr. Collins,	Mr. Estell.
Mr. McGowen,	

*New clause, as read, negatived.*

No. 20.

SAME BILL.

Motion made (Mr. Waddell),—That the Chairman leave the Chair to report the Bill, with amendments, to the House.

Committee divided.

Ayes, 41.

Mr. Perry,	Mr. McGowen,
Mr. Henry Clarke,	Mr. Edden,
Mr. Levien,	Mr. Nielsen,
Mr. Waddell,	Mr. Macdonald,
Sir John See,	Mr. Burgess,
Mr. Miller,	Mr. Nelson,
Mr. Bennett,	Mr. John Storey,
Mr. O'Sullivan,	Mr. McLaurin,
Mr. Scobie,	Mr. McNeill,
Mr. Gillies,	Mr. Meagher,
Mr. Hollis,	Mr. Richards,
Mr. Crick,	Mr. MacMahon.
Mr. Fegan,	Mr. Alexander Campbell,
Mr. Phillips,	Mr. Dacey,
Mr. Estell,	Mr. McFarlane,
Mr. Kidd,	Mr. J. F. Smith,
Mr. Collins,	Mr. W. F. Hurley.
Mr. Sullivan,	<i>Tellers,</i>
Mr. Dight,	Mr. Anderson,
Mr. Byrne,	Mr. Young.
Mr. Pyers,	
Mr. Nicholson,	

Noes, 25.

Mr. Garland,	Mr. Gilbert.
Mr. Fleming,	<i>Tellers,</i>
Mr. Cohen,	Mr. Morton,
Mr. Levy,	Mr. Oakes.
Mr. Mackenzie,	
Mr. Carruthers,	
Mr. Nobbs,	
Mr. J. C. L. Fitzpatrick,	
Mr. Hogue,	
Mr. Broughton,	
Mr. Mahony,	
Mr. Fallick,	
Mr. John Hurley,	
Mr. Wood,	
Mr. Affleck,	
Mr. Bruncker,	
Mr. Latimer,	
Mr. Coleman,	
Mr. Law,	
Mr. Price,	
Mr. McCoy,	
Mr. Millard,	

*Agreed to.*

Whereupon the Chairman left the Chair accordingly.

No. 21.

NATIVE ANIMALS PROTECTION BILL.

(Further consideration of the Legislative Council's amendments referred to in Message of 11 November, 1903.)

The Committee having required the amendments to be put *seriatim*,—

Question put,—That the Committee agree to the Council's amendment in the Title.

Committee divided.

Ayes, 37.

Sir John See,	Mr. Price,
Mr. Perry,	Mr. Gillies,
Mr. Nielsen,	Mr. Latimer,
Mr. Crick,	Mr. Hollis,
Mr. Scobie,	Mr. McLaurin,
Mr. Byrne,	Mr. Richards,
Mr. Bennett,	Mr. MacMahon,
Mr. McNeill,	Mr. Pyers,
Mr. W. F. Hurley,	Mr. John Storey,
Mr. Henry Clarke,	Mr. Nelson,
Mr. Waddell,	Mr. Quirk,
Mr. Fegan,	Mr. Dacey,
Mr. J. F. Smith,	Mr. Burgess,
Mr. Anderson,	Mr. McGowen,
Mr. Levien,	Mr. Collins.
Mr. Alexander Campbell,	<i>Tellers,</i>
Mr. O'Sullivan,	Mr. Macdonald,
Mr. Miller,	Mr. Nicholson.
Mr. Wood,	
Mr. John Hurley,	

Noes, 20.

Mr. Nobbs,	<i>Tellers,</i>
Mr. Levy,	Mr. Dight,
Mr. Cohen,	Mr. J. C. L. Fitzpatrick.
Mr. Carruthers,	
Mr. Garland,	
Mr. Mahony,	
Mr. Fleming,	
Mr. Fallick,	
Mr. Mackenzie,	
Mr. Colman,	
Mr. Broughton,	
Mr. Affleck,	
Mr. McCoy,	
Mr. Phillips,	
Mr. Meagher,	
Mr. Gilbert,	
Mr. Millard,	
Mr. Young,	

*Amendment agreed to.*

No. 22.

SAME BILL.

Question put,—That the Committee agree to the Council's amendment in Clause 6, line 27.

Committee divided.

Ayes, 29.

Mr. Perry,	Mr. Hollis,
Sir John See,	Mr. Nelson,
Mr. Nielsen,	Mr. Byrne,
Mr. Levien,	Mr. Quirk,
Mr. Crick,	Mr. Nicholson,
Mr. McNeill,	Mr. Macdonald,
Mr. Kidd,	Mr. Burgess,
Mr. McLaurin,	Mr. McGowen,
Mr. Fegan,	Mr. Dacey,
Mr. W. F. Hurley,	Mr. Collins,
Mr. J. F. Smith,	Mr. Miller.
Mr. Waddell,	<i>Tellers,</i>
Mr. Alexander Campbell,	Mr. Estell,
Mr. Anderson,	Mr. Scobie.
Mr. Pyers,	
Mr. Richards,	

*Amendment agreed to.*

Noes, 22.

Mr. Nobbs,	Mr. Gilbert,
Mr. Carruthers,	Mr. Millard,
Mr. Levy,	Mr. Gillies,
Mr. Cohen,	Mr. Young.
Mr. Garland,	<i>Tellers,</i>
Mr. J. C. L. Fitzpatrick,	Mr. Broughton,
Mr. Mahony,	Mr. Price.
Mr. Fleming,	
Mr. Dight,	
Mr. Fallick,	
Mr. Coleman,	
Mr. John Hurley,	
Mr. Mackenzie,	
Mr. McCoy,	
Mr. Phillips,	
Mr. Latimer,	

No. 23.

SAME BILL.

Question put,—That the Committee agree to the Council's amendment in Clause 6, line 28.

Committee divided.

Ayes, 33.

Mr. Perry,	Mr. Kidd,
Sir John See,	Mr. Richards,
Mr. Nielsen,	Mr. MacMahon,
Mr. Fegan,	Mr. Nelson,
Mr. McNeill,	Mr. Byrne,
Mr. Crick,	Mr. Nicholson,
Mr. Scobie,	Mr. Quirk,
Mr. McLaurin,	Mr. Edden,
Mr. Levien,	Mr. Dacey,
Mr. Bennett,	Mr. Young,
Mr. W. F. Hurley,	Mr. Burgess,
Mr. J. F. Smith,	Mr. McGowen,
Mr. Waddell,	Mr. Collins.
Mr. Alexander Campbell,	<i>Tellers,</i>
Mr. Pyers,	Mr. Hollis,
Mr. Miller,	Mr. Gillies.
Mr. Anderson,	
Mr. Estell,	

*Amendment agreed to.*

Noes, 18.

Mr. Nobbs,	<i>Tellers,</i>
Mr. Levy,	Mr. Mahony,
Mr. Cohen,	Mr. Fleming.
Mr. Garland,	
Mr. J. C. L. Fitzpatrick,	
Mr. Price,	
Mr. Fallick,	
Mr. Coleman,	
Mr. John Hurley,	
Mr. Phillips,	
Mr. McCoy,	
Mr. Broughton,	
Mr. Latimer.	
Mr. Dight,	
Mr. Gilbert,	
Mr. Millard.	

No. 24.

SAME BILL.

Question put,—That the Committee agree to the Council's amendment in Clause 6, lines 30 and 31.

Committee divided.

Ayes, 33.

Mr. McLaurin,	Mr. Bennett,
Mr. Perry,	Mr. Richards,
Sir John See,	Mr. MacMahon,
Mr. Nielsen,	Mr. Nelson,
Mr. Fegan,	Mr. Byrne,
Mr. Scobie,	Mr. Nicholson,
Mr. McNeill,	Mr. Quirk,
Mr. Hollis,	Mr. Edden,
Mr. Levien,	Mr. Dacey,
Mr. Crick,	Mr. Young,
Mr. W. F. Hurley,	Mr. Burgess,
Mr. J. F. Smith,	Mr. McGowen,
Mr. Waddell,	Mr. Collins.
Mr. Alexander Campbell,	<i>Tellers,</i>
Mr. Pyers,	Mr. Estell,
Mr. Miller,	Mr. Gillies.
Mr. Anderson,	
Mr. Kidd,	

*Amendment agreed to.*

Noes, 18.

Mr. Mahony,	<i>Tellers,</i>
Mr. Nobbs,	Mr. Latimer,
Mr. Levy,	Mr. Dight.
Mr. Cohen,	
Mr. Garland,	
Mr. J. C. L. Fitzpatrick,	
Mr. Fleming,	
Mr. Price,	
Mr. Fallick,	
Mr. Coleman,	
Mr. John Hurley,	
Mr. Phillips,	
Mr. McCoy,	
Mr. Broughton,	
Mr. Gilbert,	
Mr. Millard.	

No. 25.

SAME BILL.

Question proposed,—That the Committee agree to the Council's amendment in Clause 6, line 32.  
 Motion made (*Mr. Crick*),—That the Honorable Member for Sydney-Fitzroy Division, Mr. Levy,  
 be not further heard,—and Question put.

Committee



Committee divided.

Ayes, 34.

- |                         |                 |
|-------------------------|-----------------|
| Mr. Perry,              | Mr. Estell,     |
| Sir John See,           | Mr. Kidd,       |
| Mr. Nielsen,            | Mr. Bennett,    |
| Mr. Fegan,              | Mr. Nelson,     |
| Mr. Scobie,             | Mr. Byrne,      |
| Mr. McNeill,            | Mr. Nicholson,  |
| Mr. Crick,              | Mr. Quirk,      |
| Mr. Hollis,             | Mr. Edden,      |
| Mr. Levien,             | Mr. Dacey,      |
| Mr. McLaurin,           | Mr. Young,      |
| Mr. W. F. Hurley,       | Mr. Burgess,    |
| Mr. J. F. Smith,        | Mr. Macdonald,  |
| Mr. Waddell,            | Mr. McGowen,    |
| Mr. Alexander Campbell, | Mr. Collins,    |
| Mr. Pyers,              |                 |
| Mr. Miller,             | <i>Tellers,</i> |
| Mr. Anderson,           | Mr. Richards,   |
| Mr. Gillies,            | Mr. MacMahon.   |

Noes, 19.

- |                           |                 |
|---------------------------|-----------------|
| Mr. Nobbs,                | <i>Tellers,</i> |
| Mr. Cohen,                | Mr. Levy,       |
| Mr. Garland,              | Mr. Mahony.     |
| Mr. Carruthers,           |                 |
| Mr. J. C. L. Fitzpatrick, |                 |
| Mr. Fleming,              |                 |
| Mr. Price,                |                 |
| Mr. Dight,                |                 |
| Mr. Latimer,              |                 |
| Mr. Gilbert,              |                 |
| Mr. Millard,              |                 |
| Mr. Broughton,            |                 |
| Mr. McCoy,                |                 |
| Mr. Phillips,             |                 |
| Mr. John Hurley,          |                 |
| Mr. Coleman,              |                 |
| Mr. Fallick,              |                 |

Agreed to.

No. 26.

Question put,—That the Committee agree to the Council's amendment in Clause 6, line 32. Committee divided.

Ayes, 34.

- |                         |                 |
|-------------------------|-----------------|
| Mr. Perry,              | Mr. Gillies,    |
| Sir John See,           | Mr. Kidd,       |
| Mr. Nielsen,            | Mr. Bennett,    |
| Mr. Fegan,              | Mr. Nelson,     |
| Mr. Crick,              | Mr. Byrne,      |
| Mr. McNeill,            | Mr. Nicholson,  |
| Mr. Scobie,             | Mr. Quirk,      |
| Mr. Hollis,             | Mr. Dacey,      |
| Mr. Levien,             | Mr. Young,      |
| Mr. McLaurin,           | Mr. Burgess,    |
| Mr. W. F. Hurley,       | Mr. Macdonald,  |
| Mr. J. F. Smith,        | Mr. McGowen,    |
| Mr. Waddell,            | Mr. Collins,    |
| Mr. Alexander Campbell, | Mr. Edden.      |
| Mr. Pyers,              | <i>Tellers,</i> |
| Mr. Richards,           | Mr. MacMahon,   |
| Mr. Miller,             | Mr. Estell.     |
| Mr. Anderson,           |                 |

Noes, 20.

- |                           |                 |
|---------------------------|-----------------|
| Mr. Mahony,               | Mr. Millard.    |
| Mr. Nobbs,                | <i>Tellers,</i> |
| Mr. Levy,                 | Mr. Price,      |
| Mr. Cohen,                | Mr. Fleming.    |
| Mr. Garland,              |                 |
| Mr. Carruthers,           |                 |
| Mr. Fallick,              |                 |
| Mr. Coleman,              |                 |
| Mr. John Hurley,          |                 |
| Mr. Phillips,             |                 |
| Mr. McCoy,                |                 |
| Mr. Broughton,            |                 |
| Mr. Mackenzie,            |                 |
| Mr. Latimer,              |                 |
| Mr. Dight,                |                 |
| Mr. J. C. L. Fitzpatrick, |                 |
| Mr. Gilbert,              |                 |

Amendment agreed to.

No. 27.

SAME BILL.

Question put,—That the Committee agree to the Council's amendment in Clause 6, line 37. Motion made (Mr. Miller),—That the Honorable Member for Gloucester, Mr. Price, be not further heard. Committee divided.

Ayes, 33.

- |                         |                 |
|-------------------------|-----------------|
| Mr. Perry,              | Mr. Kidd,       |
| Sir John See,           | Mr. Bennett,    |
| Mr. Fegan,              | Mr. MacMahon,   |
| Mr. Crick,              | Mr. Nelson,     |
| Mr. Scobie,             | Mr. Nicholson,  |
| Mr. Hollis,             | Mr. Quirk,      |
| Mr. Levien,             | Mr. Dacey,      |
| Mr. McLaurin,           | Mr. Young,      |
| Mr. W. F. Hurley,       | Mr. Burgess,    |
| Mr. J. F. Smith,        | Mr. Macdonald,  |
| Mr. Waddell,            | Mr. McGowen,    |
| Mr. Alexander Campbell, | Mr. Collins,    |
| Mr. Pyers,              | Mr. Edden.      |
| Mr. Richards,           | <i>Tellers,</i> |
| Mr. Miller,             | Mr. Nielsen,    |
| Mr. Anderson,           | Mr. McNeill.    |
| Mr. Gillies,            |                 |
| Mr. Estell,             |                 |

Noes, 20.

- |                           |                 |
|---------------------------|-----------------|
| Mr. Mahony,               | Mr. Millard.    |
| Mr. Nobbs,                | <i>Tellers,</i> |
| Mr. Levy,                 | Mr. Mackenzie,  |
| Mr. Cohen,                | Mr. Latimer.    |
| Mr. Garland,              |                 |
| Mr. Carruthers,           |                 |
| Mr. Fleming,              |                 |
| Mr. Price,                |                 |
| Mr. Fallick,              |                 |
| Mr. Coleman,              |                 |
| Mr. John Hurley,          |                 |
| Mr. Phillips,             |                 |
| Mr. McCoy,                |                 |
| Mr. Broughton,            |                 |
| Mr. Dight,                |                 |
| Mr. J. C. L. Fitzpatrick, |                 |
| Mr. Gilbert,              |                 |

Agreed to.

Amendment agreed to.

And the Council's amendments in Clause 6, lines 38 and 40, and in Clause 10 having been agreed to,—

No. 28.

SAME BILL.

Question put,—That the Committee agree to the Council's amendment, which proposes to insert a new clause to follow Clause 10.

Committee

Committee divided.

Ayes, 32.

Mr. Perry,	Mr. McLaurin,
Sir John See,	Mr. Nelson,
Mr. Nielsen,	Mr. Byrne,
Mr. Fegan,	Mr. Quirk,
Mr. Crick,	Mr. Edden,
Mr. Scobie,	Mr. Dacey,
Mr. Hollis,	Mr. Macdonald,
Mr. Richards,	Mr. Young,
Mr. McNeill,	Mr. McGowen,
Mr. Waddell,	Mr. Collins.
Mr. W. F. Hurley,	
Mr. J. F. Smith,	<i>Tellers,</i>
Mr. Pyers,	Mr. Burgess,
Mr. MacMahon,	Mr. Nicholson.
Mr. Miller,	
Mr. Anderson,	
Mr. Estell,	
Mr. Gillies,	
Mr. Kidd,	
Mr. Bennett,	

Noes, 18.

Mr. Mahony,
Mr. Nobbs,
Mr. Garland,
Mr. Cohen,
Mr. Carruthers,
Mr. Levy,
Mr. J. C. L. Fitzpatrick,
Mr. Coleman,
Mr. McCoy,
Mr. Broughton,
Mr. Mackenzie,
Mr. Latimer,
Mr. Gilbert,
Mr. Millard,
Mr. Dight,
Mr. Phillips.
<i>Tellers,</i>
Mr. Price,
Mr. Fleming.

*Amendment, to insert new clause, agreed to.*

And the Council's amendments in the Schedule having been dealt with,—

On motion of Mr. Crick, the Chairman left the Chair to report that the Committee had agreed to the Legislative Council's amendments in the Bill, including the amendment in the Title.

THURSDAY, 26 NOVEMBER, 1903.

No. 29.

MASTER IN EQUITY (DEPUTY) BILL.

Clause 1 having been dealt with,—

Clause 2. (1) The Government may appoint a person to be Deputy Master in Equity for any period, and may extend such period: Provided that such period or extended period shall not exceed twelve months from the date of "such appointment."

Such person shall be a person who would be qualified to be appointed Master in Equity.

(2) During such period or extended period, the Deputy Master in Equity (whether the Master in Equity is absent or not) may exercise any powers and discharge any duties which a Master in Equity may exercise or discharge. (*Read.*)

Question proposed,—That the clause, as read, stand part of the Bill.

Motion made (*Mr. Mahony*), to leave out from line 3 the words "such appointment," and insert the words "this Act,"—instead thereof.

Question proposed,—That the words proposed to be left out stand part of the clause.

Motion made (*Mr. Crick*),—That the Honorable Member for Sydney-Belmore Division, Mr. Eden George, be not further heard,—and Question put.

Committee divided.

Ayes, 39.

Mr. Kidd,	Mr. Dacey,
Mr. Waddell,	Mr. MacMahon,
Sir John See,	Mr. Estell,
Mr. Crick,	Mr. MacGowen,
Mr. Perry,	Mr. McNeill,
Mr. Bennett,	Mr. Burgess,
Mr. Dight,	Mr. Alexander Campbell,
Mr. Byrne,	Mr. Young,
Mr. Sullivan,	Mr. Nicholson,
Mr. Scobie,	Mr. Nelson,
Mr. McFarlane,	Mr. Edden,
Mr. Richards,	Mr. Quinn,
Mr. T. R. Smith,	Mr. Kelly,
Mr. Henry Clarke,	Mr. Macdonald,
Mr. W. F. Hurley,	Mr. McLaurin,
Mr. Nielsen,	Mr. J. F. Smith.
Mr. Brinsley Hall,	
Mr. Archer,	<i>Tellers,</i>
Mr. Anderson,	Mr. Hollis,
Mr. D. R. Hall,	Mr. Macdonell.
Mr. O'Sullivan,	

Noes, 34.

Mr. Cohen,	Mr. Wood,
Dr. Ross,	Mr. Latimer,
Mr. Levy,	Mr. Phillips,
Mr. Moore,	Mr. Mcagher,
Mr. Carruthers,	Mr. Gormly,
Mr. Jessep,	Mr. Thomas,
Mr. Mahony,	Mr. Carroll,
Mr. Garland,	Mr. Price,
Mr. O'Conor,	Mr. John Storey,
Mr. Eden George,	Mr. Collins,
Mr. Wade,	Mr. Millard.
Mr. Coleman,	
Mr. Mackenzie,	<i>Tellers,</i>
Mr. Fallick,	Mr. E. M. Clark,
Mr. Fleming,	Mr. Gillies.
Mr. Rose,	
Mr. Moxham,	
Mr. Affleck,	
Mr. John Hurley,	
Mr. Brunker,	
Mr. Morton,	

*Agreed to.*

No. 30.

No. 30.

SAME BILL.

Same Clause.

Question put,—That the words proposed to be left out stand part of the clause.  
Committee divided.

Ayes, 41.

- |                         |                    |
|-------------------------|--------------------|
| Mr. Hayes,              | Mr. Sullivan,      |
| Mr. O'Sullivan,         | Mr. Gillies,       |
| Mr. Crick,              | Mr. Richards,      |
| Mr. Perry,              | Mr. Brinsley Hall, |
| Mr. Meagher,            | Mr. Nicholson,     |
| Mr. Kidd,               | Mr. W. F. Hurley,  |
| Mr. Seobie,             | Mr. Burgess,       |
| Mr. Nielsen,            | Mr. Edden,         |
| Mr. McLaurin,           | Mr. Gormly,        |
| Mr. Waddell,            | Mr. Nelson,        |
| Mr. T. R. Smith,        | Mr. Young,         |
| Mr. Henry Clarke,       | Mr. Collins,       |
| Mr. Evans,              | Mr. MacMahon,      |
| Mr. Archer,             | Mr. Jones,         |
| Mr. Alexander Campbell, | Mr. McGowen,       |
| Mr. Barnes,             | Mr. John Storey,   |
| Mr. Dacey,              | Mr. J. F. Smith.   |
| Mr. Macdonell,          |                    |
| Mr. Kelly,              | <i>Tellers,</i>    |
| Mr. McFarlane,          | Mr. Estell,        |
| Mr. Dight,              | Mr. Williams.      |
| Mr. Anderson,           |                    |

Noes, 29.

- |                  |                  |
|------------------|------------------|
| Mr. Wade,        | Mr. Fleming,     |
| Mr. Winchcombe,  | Mr. John Hurley, |
| Mr. Cohen,       | Mr. Carroll,     |
| Mr. Jessop,      | Mr. O'Conor,     |
| Mr. Carruthers,  | Mr. Latimer.     |
| Mr. Hogue,       | <i>Tellers,</i>  |
| Mr. Levy,        |                  |
| Mr. Mahony,      | Mr. Haynes,      |
| Mr. Eden George, | Mr. Morton.      |
| Mr. Moore,       |                  |
| Mr. Nobbs,       |                  |
| Mr. Thomas,      |                  |
| Mr. Coleman,     |                  |
| Mr. Moxham,      |                  |
| Mr. Fallick,     |                  |
| Mr. Rose,        |                  |
| Mr. Afleck,      |                  |
| Mr. Mackenzie,   |                  |
| Mr. Gilbert,     |                  |
| Mr. Phillips,    |                  |
| Mr. Brunker,     |                  |
| Mr. Price,       |                  |

Words stand.

Clause, as read, agreed to.

On motion of Mr. Crick, the Chairman left the Chair.

R. W. ROBERTSON,  
Clerk Assittant.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SESSION OF 1903.

Short Titles.	By whom introduced.	Originated in Committee of the Whole.	Messsge from Governor recommending provision for.	Ordered.	Presented and read 1 <sup>st</sup> .	Proceeded with under Standing Order No. 293.	Read 2 <sup>d</sup> and Committed.	Reported.	Report adopted.	Head 3 <sup>d</sup> .	Passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's amendments agreed to with an amendment.	Bill dropped or laid aside.	Assent.	Number of Act.	Remarks.
Appropriation .....	Mr. Waddell ..	.....	.....	20 Nov. a.m. 2 Sept.	20 Nov. a.m. ....	.....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	20 Nov. a.m. ....	.....	.....	.....	.....	.....	.....	10	Founded on Resolutions of Ways and Means. Bill not brought in.
Borough of Wollongong Loan Validating. Closer Settlement. ....	Sir John See .. Mr. Crick .....	..... 24 Nov. ....	.....	24 Nov. ....	20 Nov. a.m. ....	.....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	.....	.....	.....	.....	.....	.....	.....	.....	Standing Orders suspended, 24th November, 1903. Not returned by Council. Title amended. Not returned by Council. Bill not brought in. do do Stopped by Prorogation.
Coal and Shale Mines (Eight Hours) Coal Mines Regulation (Amending) Coal Mines Regulation (Amending) (No. 2). Coal Mines Regulation (Certificates of Service and Inspection of Mines) Amendment. Consolidated Revenue Fund. ....	Mr. Fegan .. Mr. Kidd .....	..... .....	18 June 7 July	.....	.....	20 Aug. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	25 Nov. a.m. ....	.....	.....	.....	.....	.....	.....	.....	.....	Standing Orders suspended, 29th July, 1903. Founded on Resolution of Ways and Means.
Consolidated Revenue Fund (No. 2)	Mr. Waddell ..	.....	28 July	30 July a.m. 29 Sept.	30 July a.m. ....	.....	30 July a.m. ....	30 July a.m. ....	30 July a.m. ....	30 July a.m. ....	30 July a.m. ....	30 July a.m. ....	.....	.....	.....	.....	.....	4 Aug.	2	Standing Orders suspended, 29th July, 1903. Founded on Resolution of Ways and Means.
Country Towns Water and Sewerage (Amendment). Coupon System Abolition. Crown Lands Act (Amendment) ..	Mr. O'Sullivan .. Mr. Sleath .. Mr. Crick .....	..... ..... .....	22 Sept. 11 Aug. 9 July	29 Sept. 16 Sept. 9 July 10 July	29 Sept. ....	.....	29 Sept. ....	29 Sept. ....	29 Sept. ....	29 Sept. ....	30 Sept. a.m. ....	1 Oct. a.m. ....	.....	.....	.....	.....	.....	1 Oct.	3	Standing Orders suspended, 28th September, 1903. Founded on Resolution of Ways and Means. Stopped by Prorogation.
Dairy Industry (Amendment) .....	Mr. Kidd .....	9 Sept. ....	18 June 11 Aug.	9 Sept. ....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Bill not brought in. Council's amendments disagreed to, amended, and agreed to. Motion made for adoption of Report, and amendment carried to recommend for the reconsideration of a new clause to follow clause 8. Council's amendment previously disagreed, agreed to, with an amendment, 11th November, 1903. Message to Council, 12th November, 1903. Council agrees to Assembly's amendments upon Council's amendments, 18th November, 1903. Stopped by Prorogation. Ruled out of order, on the ground that the proposals in the clauses quoted are very radical alterations, and clause 7 proposes to amend an Act not indicated in the Order of Leave.

\* Assent not reported. † For stage which Bill has reached in former Session, see Appendix.

No. 1.—REGISTER OF PUBLIC BILLS—continued.

Short Titles.	By whom Initiated.	Originated in Committee of the Whole.	Message from Governor recommending provision for.	Ordered.	Presented and read 1 <sup>st</sup> .	Proceeded with under Standing Order No. 536.	Read 2 <sup>o</sup> and Committed.	Reported.	Reported.	Recommitted.	Reported.	Reported.	Passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Bill dropped or laid aside.	Assent.	Number of Assents.	Remarks.	
District Courts Act (Amendment)	Mr. Garland			19 Aug.																				
Factories and Shops	Mr. Perry	17 June		17 June		†3 July																		Bill not brought in.
Fertilizers Adulteration	Mr. Kidd	15 July		15 July																				Stopped by Prorogation.
Forestry	Mr. Bennett	9 July				†15 July																		do
Forestry (No. 2)	do	17 Sept.		18 Sept.																				do
Fruit Case	Mr. Kidd	15 July		15 July																				Ruled out of order as conflicting with the Crown Lands Act, 1903.
Government Savings Bank (Amendment)	Mr. Waddell	20 Aug.		15 Oct.																				do
Gun License	Mr. Waddell	20 Aug.		15 Oct.																				do
Hawkesbury Benevolent Society's (Amendment)	Mr. John See Mr. Perry	21 July		20 Aug.		1 Sept.																		
Henry Waite Request	Sir John See	13 Aug.																						
Industrial Arbitration (Additional Court)	Mr. Pagan	20 Oct.		19 Nov.																				
Juvenile Smoking Suppression	Dr. Ross					†7 July																		
Land and Income Tax (Amendment)	Mr. Waddell	9 July				†9 July																		
Law of Evidence	Sir John See	9 July																						
Liquor	Mr. Waddell	9 July				†9 July																		
Lithgow Municipal Loans (Validation)	Mr. John Hurley	12 Aug.		12 Aug.																				
Loken	Mr. Waddell	20 Nov.		20 Nov.		25 Nov.																		
Metropolitan Water and Sewerage Acts Amendment.	Mr. O'Sullivan	12 Aug.		11 Sept.																				
Miners Accident Relief (Officers)	Mr. Kidd	11 Aug.		8 Sept.																				
Moore-street Improvement Act (Amendment)	Mr. Haynes	20 Aug.		30 Sept.																				
Municipal District of Tenterfield Reduced Area.	Mr. Lee	30 Sept.		30 Sept.																				
Native Animals Protection	Sir John See	20 Aug.		20 Aug.		1 Sept.																		
New Lambton, Hartley Vale Colliery, and Australasia Coal Company, Railways Kesumpton.	Mr. Chick	27 Oct.																						
Old-age Pensions (Amendment)	Mr. Waddell	7 July		10 Sept.																				
Parliamentary Elections (Distribution)	Sir John See	14 July																						
Parliamentary Evidence (Amendment)	Mr. J. C. L. Fitzpatrick																							
Property Detention	Mr. E. M. Clark					†9 July																		
Public Health (Leprosy)	Mr. Affleck	15 July		15 July																				
Public Instruction (Amendment)	Mr. Perry	25 Sept.		25 Sept.		†3 July																		
Public Places Advertisements	Mr. E. M. Clark	22 Sept.		11 Sept.																				
Public Service (Superannuation)	Mr. Waddell	26 Aug.		10 Sept.		17 Sept.																		

\* Assent not reported. † For stage which Bill has reached in former Session, see Appendix.

No. 1.—REGISTER OF PUBLIC BILLS—continued.

Short Titles.	By whom initiated.	Originated in Committee of the Whole.	Message from Governor, recommending provision for.	Ordered.	Presented and read 1 <sup>st</sup> .	Proceeded with under Standing Order No. 285.	Read 2 <sup>d</sup> and Committed.	Reported.	Recommitted.	Reported.	Report adopted.	Head 3 <sup>d</sup> .	Passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Council's Amendments agreed to with an Amendment.	Bill dropped or laid aside.	Assent.	Number of Act.	Remarks.	
Reduction of Members Retardium	Sir John See	24 Sept	14 July	21 Sept. 9 a.m.	24 Sept. 10 a.m.	.....	18 Nov. 18 a.m.	18 Nov. 17 Sept.	.....	18 Nov. 17 Sept.	18 Nov. 17 Sept.	18 Nov. 17 Sept.	18 Nov. 17 Sept.	18 Nov. 17 Sept.	18 Nov. 17 Sept.	.....	.....	.....	.....	.....	13	Standing Orders suspended, 18th November, 1903. Leave given for Counsel to be heard at the Bar of the House, 20th August, 1903. Counsel heard at the Bar of the House, 10th September, 1903. Not returned by Council. Standing Orders suspended, 21 Nov., 1903. Stopped by Prorogation.	
Regulation of Wages in Coal Mines	Mr. Kidd	9 July	18 June	9 July 9 a.m.	16 July 10 a.m.	.....	17 Sept. 17 Sept. a.m.	17 Sept. 17 Sept.	.....	17 Sept. 17 Sept.	17 Sept. 17 Sept. a.m.	17 Sept. 17 Sept.	17 Sept. 17 Sept.	17 Sept. 17 Sept.	17 Sept. 17 Sept.	.....	.....	.....	.....	.....	.....	.....	.....
Sensors Elections	Mr. Anderson	24 Nov.	21 Nov.	.....	.....	.....	24 Nov. 25 Aug.	24 Nov. 25 Aug.	.....	24 Nov. 25 Aug.	24 Nov. 25 Aug.	24 Nov. 25 Aug.	24 Nov. 25 Aug.	24 Nov. 25 Aug.	24 Nov. 25 Aug.	.....	.....	.....	.....	.....	.....	.....	.....
Servants Registry	Mr. Chock	.....	14 Oct.	.....	.....	.....	14 Oct. 14 Oct.	14 Oct. 14 Oct.	.....	14 Oct. 14 Oct.	14 Oct. 14 Oct.	14 Oct. 14 Oct.	14 Oct. 14 Oct.	14 Oct. 14 Oct.	14 Oct. 14 Oct.	.....	.....	.....	.....	.....	.....	.....	.....
Sharp Conditional Purchase and Gully Settlement Lease Valuation.	Mr. Anderson	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stage Carriages Act Amendment.	Mr. Nielsen	22 Sept.	17 Sept.	22 Sept.	22 Sept.	.....	22 Sept. 22 Sept. a.m.	22 Sept. 22 Sept.	.....	22 Sept. 22 Sept.	22 Sept. 22 Sept.	22 Sept. 22 Sept.	22 Sept. 22 Sept.	22 Sept. 22 Sept.	22 Sept. 22 Sept.	.....	.....	.....	.....	.....	.....	.....	.....
State Children's (No. 2)	Sir John See	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stock Stealing Prevention	Mr. Kidd	.....	18 June	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Stock Stealing Prevention (No. 2)	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sydney Harbour (Reclamation Grants)	Sir John See	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Undeclared Moneys	Mr. J. C. L. Fitzpatrick.	4 Sept.	13 Aug.	4 Sept. a.m.	4 Sept. a.m.	.....	4 Sept. 4 Sept. a.m.	4 Sept. 4 Sept. a.m.	.....	4 Sept. 4 Sept. a.m.	4 Sept. 4 Sept. a.m.	4 Sept. 4 Sept. a.m.	4 Sept. 4 Sept. a.m.	4 Sept. 4 Sept. a.m.	4 Sept. 4 Sept. a.m.	.....	.....	.....	.....	.....	.....	.....	.....
Vine and Vegetation Diseases Amendment.	Mr. Kidd	.....	11 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
West-ru Landis (Amendment)	Mr. Chick	.....	.....	15 Oct.	28 Oct.	.....	15 Oct. 15 Oct.	15 Oct. 15 Oct.	.....	15 Oct. 15 Oct.	15 Oct. 15 Oct.	15 Oct. 15 Oct.	15 Oct. 15 Oct.	15 Oct. 15 Oct.	15 Oct. 15 Oct.	.....	.....	.....	.....	.....	.....	.....	.....

\* Assent not reported. † For stage which Bill had reached in former Session, see Appendix.

No. 2.—REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY DURING THE SESSION OF 1903.

Short Titles.	By whom and when petition presented.	Ordered.	Presented and read 1 <sup>st</sup> .	Referred to Select Committee.	Reported by Select Committee.	Read 2 <sup>d</sup> and committed.	Reported.	Report adopted, and sent to Council for concurrence.	Agreed to by Council without amendment.	Assent.	Remarks.
Brodie's Enabling Act Amendment	Mr. E. M. Clark	1 Sept. 27 Aug.	2 Sept. 27 Aug.	2 Sept. 27 Aug.	16 Sept. 27 Aug.	22 Sept. 27 Aug.	22 Sept. 27 Aug.	22 Sept. 27 Aug.	22 Sept. 27 Aug.	20 Oct.	.....
Goulburn Roman Catholic Church Land Sale	Mr. Ashton	1 July 30 July	.....	1 July 30 July	30 July 30 July	20 Aug. 30 July	20 Aug. 30 July	20 Aug. 30 July	17 Sept. 18 Sept.	129 Sept.	Proceeded with under Standing Order No. 409.
Murrumbidgee Northern Water Supply and Irrigation	Mr. Briner	1 Sept. 1 Sept.	2 Sept. 1 Sept.	11 Sept. 1 Sept.	24 Nov. 1 Sept.	20 Nov. 20 Nov. a.m.	20 Nov. 20 Nov. a.m.	20 Nov. 20 Nov. a.m.	26 Nov. 26 Nov. a.m.	*	Stopped by Prorogation.
Sydney Harbour Collieries (Limited)	Mr. Garland	6 Aug. 11 Aug.	11 Aug. 11 Aug.	19 Aug. 10 "	20 Nov. 20 Nov. a.m.	20 Nov. 20 Nov. a.m.	20 Nov. 20 Nov. a.m.	20 Nov. 20 Nov. a.m.	26 Nov. 26 Nov. a.m.	*	.....

\* Assent not reported. † For stage which Bill had reached in former Session, see Appendix.

No. 3.—REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL DURING THE SESSION OF 1903.

Short Titles of—		Proceeded with under 200 Standing Order.	Brought up and read 1 <sup>st</sup> .	Referred to Select Committee.	Reported by Select Committee.	Read 2 <sup>nd</sup> and committed.	Reported.	Report adopted.	Read 3 <sup>rd</sup> , passed without Amendment, and returned to Council.	Read 3 <sup>rd</sup> , passed with Amendment, and sent to Council for concurrence.	Agreed to by Council.	Bill dropped or laid aside.	Assent reported.	Number of Act.	Remarks.
Public Bills.	Private Bills.														
Apportionment.....	.....	.....	30 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Stopped by Prorogation.
Assignment of Debts and Choses in Action.....	.....	19 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Bills of Sale (Amendment)	Australian Mutual Provident Society's Act's Amendment.	.....	20 July	.....	.....	17 Sept. a.m. 3 Nov.	17 Sept. a.m. 3 Nov.	17 Sept. a.m. 3 Nov.	18 Sept. a.m.	4 Nov.	.....	23 Sept.	6 Oct.	12	Restored to Business Paper, 24th September, 1903. Assembly's Amendment agreed to, 12th November, 1903, a.m. Stopped by Prorogation.
Claims against the Government and Crown Suits (Amendment).	.....	.....	0 Sept.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Commercial Causes.....	.....	.....	15 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Assembly's Amendment agreed to, 20th November, 1903.
Companies Amendment.	.....	.....	9 Oct.	.....	.....	.....	.....	.....	.....	20 Nov.	.....	.....	.....	.....	Stopped by Prorogation.
Crimes (Girls' Proceeds)	.....	.....	12 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Deaf, Dumb, and Blind Institution Vesting.	.....	.....	26 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Dentists' Act Amendment.	.....	.....	17 Sept.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Standing Orders suspended, 23th November, 1903.
Districts Courts and Small Debts Recovery Acts Amending.	.....	.....	8 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Stopped by Prorogation.
Friendly Societies (Amending)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Habitual Criminals	.....	.....	24 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Infant Protection.	.....	.....	21 Oct.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Influx of Criminals (Prevention).	.....	.....	20 Aug.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Issue of Process at Country Towns	.....	.....	2 Sept.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Justice Fees	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Justices (Informations)	.....	.....	19 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Law of Property Amendment	.....	.....	19 July	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Master in Equity (Deputy)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Standing Orders suspended, 20th November, 1903. Stopped by Prorogation.
Money Lenders and Infants' Loans	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Stopped by Prorogation.
Real Property (Amendment).	Presbyterian Church Property Consolidation.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Sheriff (Amendment)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
State Children's	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Statute Law Revision.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	Ruled out of Order on the ground that the Bill involved expenditure, and should have been introduced in the Assembly, 15th September, 1903.
Statute of Limitations	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Sydney Harbour Trust (Leasing)	.....	.....	4 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
Sydney Diocesan Revenues	.....	.....	10 Sept.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do
.....	.....	.....	24 Nov.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	do

\* Assent not reported. † For stage which Bill had reached in former Session, see Appendix.



1903.

## RECAPITULATION.

Number of Public Bills originated in the LEGISLATIVE ASSEMBLY shown on Register No. 1 .....	58			
Number of Private Bills do do shown on Register No. 2 .....	4			
Number of Public Bills brought from the LEGISLATIVE COUNCIL shown on Register No. 3 .....	27			
Number of Private Bills do do do .....	2			91
—				
	Public.	Private.	Total.	
Passed and assented to .....	20	4	24	
Passed and reserved for Royal assent .....	1	...	1	
<i>Pro forma</i> Bill .....	4	...	4	
Not returned by Legislative Council .....	43	2	45	
Stopped by Prorogation .....	17	...	17	
Otherwise disposed of .....				91

Legislative Assembly Office,  
Sydney, 1st December, 1903.

RICHD. A. ARNOLD,  
Acting Clerk of the Legislative Assembly.

## APPENDIX.

SHOWING stage which Bills, reintroduced under Standing Orders, had reached in former Session.

<b>1.—PUBLIC BILLS—ASSEMBLY.</b>	
Coal and Shale Mines (Eight Hours), <i>changed from</i> Mines (Eight Hours); ordered for second reading.	
Coal Mines Regulation (Certificates of Service and Inspection of Mines) Amendment; ordered for second reading.	
Country Towns Water and Sewerage (Amendment); ordered for second reading.	
Defamation (Amendment); ordered for second reading.	
Factories and Shops; ordered for second reading.	
Forestry; ordered for second reading.	
Juvenile Smoking Suppression; ordered for second reading.	
Land and Income Tax (Amendment); ordered for second reading.	
Liquor; ordered for second reading.	
Property Detention; ordered for second reading.	
Public Instruction (Amendment); ordered for second reading.	
Servants Registry; ordered for second reading.	
Stage Carriages Act Amendment; ordered for second reading.	
<b>2.—PRIVATE BILLS—ASSEMBLY.</b>	
Goulburn Roman Catholic Church Land Sale; referred to Select Committee.	
<b>3.—PUBLIC AND PRIVATE BILLS—COUNCIL.</b>	
Assignment of Debts and Choses in Action; ordered for second reading.	
District Courts and Small Debts Recovery Acts Amending; ordered for second reading.	
Issue of Process at Country Towns; ordered for second reading.	
Justices (Fees); ordered for second reading.	
Law of Property Amendment; ordered for second reading.	
Sheriff (Amendment); ordered for second reading.	
State Children's; ordered for second reading.	
Statute of Limitations; ordered for second reading.	



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING THE SESSION, 1903.

NO. OF ADDRESS OR ORDER.	WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
	VOTES.			By Address.	By Order.			Date of Order.	When given to Clerk of Printing Branch.
	No.	Date.							
1	33	1903. 1 Sept.	Mr. J. C. L. Fitzpatrick		Audit of Sydney Harbour Trust Accounts	1903.	1903.		
2	27	18 Aug.	Mr. J. C. L. Fitzpatrick.		Buildings Demolished on Site of New Central Railway Station.	19 Aug.	379	20 August.	20 August.
3	47	30 Sept.	Mr. Meagher		Conduct of Mr. Rogers, Manager Mount Kembla Colliery.	6 Oct.	579	8 October.	8 October.
4	32	27 Aug.	Mr. Frank Farnell.		Garbage Tip at Waverley				
5	33	1 Sept.	Dr. Ross		Old-age Pensions.				
6	37	9 "	Mr. Affleck		Relief Works in the Yass, Boorowa, and Queanbeyan Electorates.				
7	26	13 Aug.	Mr. Carruthers	Reservation of Women's Suffrage Acts for Royal Assent.					
8	35	3 Sept.	Mr. Briner		Roads Vote, Electorate of Raleigh	9 Oct.	595	22 October.	22 October.
9	40	15 "	Mr. Levien		Scale of Allowances to Witnesses at Criminal Trials	20 "	612		
10	23	6 Aug.	Mr. Nobbs, for Mr. Fleming.		Seed Wheat				
11	31	26 "	Mr. J. C. L. Fitzpatrick.		Temporary Employees, Public Works Department	20 Oct.	620		
12	25	12 "	Mr. Affleck		Visits of Clergymen to Gaols	1 Sept.	426	3 Sept.	3 Sept.
13	17	23 July	Mr. John Hurley		Weighing appliances at Northern Collieries				

REGISTER OF ADDRESSES AND ORDERS FOR PAPERS DURING FORMER SESSIONS, 1903.

NO. OF ADDRESS OR ORDER.	WHEN PASSED.		ON WHOSE MOTION.	PAPERS APPLIED FOR.		DATE OF PRESENTATION.	RETURN TO ADDRESS OR ORDER.	REGISTER NUMBER.	IF TO BE PRINTED.	
	VOTES.			By Address.	By Order.				Date of Order.	When given to Clerk of Printing Branch.
	No.	Entry.								
104	103	17 March	5	Mr. Garrard			1903.	1903.	1903.	
25	75	18 Nov.	7	Mr. J. C. L. Fitzpatrick.	Convictions under the Licensing Act		24 June	225		
21	64	23 Oct.	5	Mr. Davidson	Inebriates Asylum		7 July	213	9 July	9 July.
					Sleepers for Railway Construction		24 June	103	9 "	9 "

REGISTER OF SEPARATE AND JOINT ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR, DURING THE SESSION OF 1903.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED.			WHEN AND HOW ANSWERED.			REMARKS.
	VOTES.			VOTES.			VOTES.			VOTES.			
	No.	Date.	On whose Motion.	No.	Date.	By whom.	No.	Date.	By whom.	No.	Date.	By whom and how.	
The Governor's Opening Speech	1	16 June	12	8	1 July	6	9	7 July	1	7 July	1	His Excellency the Governor.	
State Bank	21	4 August	7	21	4 August	7							

RICH'D. A. ARNOLD,  
Acting Clerk of the Legislative Assembly.

Legislative Assembly Office,  
Sydney, 1st December, 1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1903.

No. of COMMITTEE	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. of MEETINGS.		No. of WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
1	The Governor's Opening Speech .....	16 June, 1903. Votes No. 1. Entry 12 ... (On motion of Mr. Quinn.)	{ Mr. Alex. Campbell, Mr. Davis, Mr. Dight, Mr. Evans, Mr. Gillies, Mr. Henry Clarke, Mr. Frank Farnell, Mr. Ferguson, Mr. Hogue, Mr. Macdonald, Mr. Richards, Mr. T. R. Smith, Mr. J. F. Smith, Mr. Thomson, Mr. Quinn.	Mr. Quinn .....	1	1	.....	1903. 16 June.
2	Elections and Qualifications .....	17 June, 1903. Votes No. 2. Entry 1 .....	{ Mr. Henry Clarke, Mr. Frank Farnell, Mr. Ferguson, Mr. Hogue, Mr. Macdonald, Mr. Millard, Mr. Moore, Mr. Quinn, Mr. Wright.*	.....	.....	.....	.....	.....
3	Goulburn Roman Catholic Church Lend Sale Bill.	1 July, 1903. Votes No. 8. Entry 1 ... (On motion of Mr. Ashton.)	{ Mr. Ashton, Mr. John Hurley, Mr. Dick, Mr. Nielsen, Mr. Macdonald, Mr. J. C. L. Fitzpatrick, Mr. Gormly, <sup>1</sup> Mr. T. Fitzpatrick, Mr. Briner.	Mr. Ashton .....	1	1	2	30 July.
4	Standing Orders .....	1 July, 1903. Votes No. 8. Entry 9 .....	{ Sir John See, Mr. Speaker, Mr. Carruthers, Mr. Crick, Mr. Mengher, Mr. Dight, Mr. McGowen, Mr. Ashton, Mr. Holman.	.....	.....	.....	.....	.....
5	Library <sup>1</sup> .....	1 July, 1903. Votes No. 8. Entry 10 ... (On motion of Sir John See.)	{ Sir John See, Mr. Speaker, Mr. Wright,* Mr. Quinn, Dr. Ross, Mr. Hogue, Mr. Ferguson, Mr. Carruthers, Mr. Alex. Campbell, Mr. Arthur Griffith.†	The President .....	13	9	.....	.....
6	Refreshment .....	1 July, 1903. Votes No. 8. Entry 11 ... (On motion of Sir John See.)	{ Sir John See, Mr. Speaker, Mr. Anderson, Mr. Dacey, Mr. Levien, Mr. Sleath, Mr. Henry Clarke, Mr. Frank Farnell, Mr. Oakes, Mr. Archor.	Mr. Henry Clarke..	4	3	.....	.....
7	Printing <sup>2</sup> .....	1 July, 1903. Votes No. 8. Entry 12 ... (On motion of Sir John See.)	{ Sir John See, Mr. Gormly, Mr. Phillips, Mr. Macdonald, Mr. Nelson, Mr. Gillies, Mr. Nicholson, Mr. Millard, Mr. Coleman, Mr. Davis.	Mr. Gormly .....	22	21	.....	9, 16, 23, 30 July; 6, 13, 20, 27 August; 3, 10, 17 September; 1, 8, 15, 22, 29 October; 5, 12, 19, 26(?) November.

<sup>1</sup> Leave given to sit during the sittings of the House, 20 July, 1903.    <sup>2</sup> Leave given to sit during the sittings of the House, 24 November, 1903.    \* Death reported, and Seat declared vacant, 6 October, 1903.    † Resigned, 18 November, 1903.

STANDING AND SELECT COMMITTEES APPOINTED DURING THE SESSION OF 1903—continued.

No. OF COMMITTEE	DESIGNATION OF COMMITTEE.	WHEN AND HOW APPOINTED.	MEMBERS.	CHAIRMAN.	No. OF MEETINGS.		No. OF WITNESSES EXAMINED.	WHEN REPORTED.
					Called.	Held.		
8	Abattoir, Glebe Island <sup>1</sup> .....	10 July, 1903, a.m. Votes No. 11. Entry 19. (On motion of Mr. Nielsen.)	{ Mr. Nielsen, Mr. Waddell, Mr. Hogue, Mr. Scobie, Mr. Briner, Mr. J. C. L. Fitzpatrick.	Mr. Nielsen .....	31	28	47	1903. 20 November, a.m.
9	Sydney Harbour Collieries (Limited) Bill.	19 August, 1903. Votes No. 23. Entry 6... (On motion of Mr. Garland.)	{ Mr. Garland, Mr. Crick, Mr. Wood, Mr. Law, Mr. John Storey, Mr. Nobbs, Mr. Cohen, Mr. Fleming.	Mr. Garland .....	5	3	2	10 November.
10	Prevalence of the Gambling Evil <sup>2</sup> .....	20 August, 1903. Votes No. 22. Entry 21... (On motion of Mr. J. C. L. Fitzpatrick.)	{ Sir John See, Mr. J. C. L. Fitzpatrick, Mr. Affleck, Mr. Millard, Mr. Edden, Mr. Dight, Mr. Davis, Mr. Meagher, Mr. Clara, Mr. McNeill.	Mr. J. C. L. Fitzpatrick	17	12	17	.....
11	Use of Preservative and Colouring Matters in Food.	20 August, 1903. Votes No. 21. Entry 24. (On motion of Mr. Levin.)	{ Mr. Levin, Mr. Waddell, Mr. Meagher, Mr. Edden, Mr. E. M. Clark, Mr. Richards, Mr. Gillies, Mr. Eden George, Mr. Nobbs, Dr. Ross.	Mr. Levin .....	16	14	10	25 November. (Progress.)
12	Brodie's Enabling Act Amendment Bill.	2 September, 1903. Votes No. 34. Entry 18. (On motion of Mr. E. M. Clark.)	{ Sir John See, Mr. E. M. Clark, Mr. Nobbs, Mr. Haynes, Mr. Briner, Mr. Davis, Mr. John Hurley, Mr. Evans, Mr. Gilbert, Mr. Jones.	Mr. E. M. Clark ...	2	2	2	16 September, a.m.
13	Alleged Evasion of the Arbitration Act. <sup>3</sup>	4 September, 1903, a.m. Votes No. 35. Entry 16. (On motion of Mr. Macdonell.)	{ Mr. Macdonell, Mr. Crick, Mr. Dick, Mr. Gilbert, Mr. J. C. L. Fitzpatrick, Mr. Thomson, Mr. Brunker, Mr. Quinn, Mr. McLearin, Mr. Dacey, Mr. O'Sullivan, Mr. Affleck, Mr. Byrne, Mr. Ferguson, Mr. Ashton, Mr. Rose,	Mr. Macdonell.....	4	4	1	23 September. (Special.)
14	Murrumbidgee Northern Water Supply and Irrigation Bill.	11 September, 1903, a.m. Votes No. 33. Entry 19. (On motion of Mr. Briner.)	{ Mr. Briner, Mr. O'Sullivan, Mr. Byrne, Mr. Ashton, Mr. Rose, Mr. D. R. Hall, Mr. Affleck, Mr. Ferguson, Mr. Macdonald.	Mr. Briner .....	25	19	17	24 November.

<sup>1</sup> Leave given to make visits of inspection, 20 August, 1903.

<sup>2</sup> Leave given to make visits of inspection, 9 September, 1903.

<sup>3</sup> Leave given to make a Special Report, 23 September, 1903.

Legislative Assembly Office,  
Sydney, 1 December, 1903.

RICHD. A. ARNOLD,  
Acting Clerk of the Legislative Assembly.

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remark.
Correspondence .....	respecting leave of absence granted to F. W. Webb, Esquire, C.M.G., Clerk of the Legislative Assembly.		Mr. Speaker	16 June, 1903.	Not to be printed.	
Notification .....	of appropriation of land, under the Public Works Act, 1900, for improving the Tramway Terminal arrangements at Newcastle.		Mr. Waddell	16 "	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for extending Station Yard at Ringwood Siding.		"	16 "	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for Water Supply at Gunnetah.		"	16 "	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for Water Supply at Cooma.		"	16 "	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for improving the Water Supply for the Great Northern Railway at Werris Creek.		"	16 "	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for Water Supply for Railway Purposes at Wentworth Falls.		"	16 "	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for extension of Tramway Terminals at Newcastle.		"	16 "	"	

Description of Paper	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notification	of resumption of land, under the Public Works Act, 1900, for a Railway Siding at the Gap Platform, between Werris Creek and Narrabri.		Mr. Waddell	1903. 16 June	Not to be printed.	
Report	of the Proceedings of the Pharmacy Board during the year 1902		"	16 "	To be printed.	
Do	of the Railway Commissioners on Railways and Tramways for quarter ended 31st December, 1902.		"	16 "	"	
Do	of the Railway Commissioners on Railways and Tramways for quarter ended 31st March, 1903.		"	16 "	"	
Do	of the Government Savings Bank for the year 1902		"	16 "	"	
Statement	of Trust Moneys Deposit Account from 1st April, 1902, to 31st March, 1903.		"	16 "	"	
Do	of Bank Liabilities and Assets for quarter ended 31st December, 1902.		"	16 "	Not to be printed.	
Do	of Public Companies' Liabilities and Assets for quarter ended 31st December, 1902.		"	16 "	"	
By-laws	of the Borough of Newtown under the Public Health Act, 1902		"	16 "	"	
Do	of the Borough of Drummoine under the Public Health Act, 1902.		"	16 "	"	
Amended By-law	of the Borough of Narrabri under the Nuisances Prevention Act, 1897		"	16 "	"	
By-laws	of the Borough of Murrumburah under the Nuisances Prevention Act, 1897.		"	16 "	"	
Do	of the Municipal District of Ulladulla under the Nuisances Prevention Act, 1897.		"	16 "	"	
Amended Regulations	under the Public Health Act, 1902, for carrying into effect Parts 2, 3, and 6 of that Act.		"	16 "	"	
Additional Regulation	under the Public Health Act, 1902, for carrying into effect Part 9 of that Act.		"	16 "	"	
Regulations	under the Public Health Act, 1902, in respect of the Sanitary Area of New Town, near Dubbo.		"	16 "	"	
Additional Regulations	under the Public Health Act, 1902, for carrying into effect Part 9 of that Act.		"	16 "	"	
Amended Regulations	under the Advances to Settlers Acts		"	16 "	"	
Regulations	under the Navigation Act, 1901, relating to the marking of Lead lines.		"	16 "	"	
Do	under the Navigation Act 1901, relating to Steamer Traffic on Rivers crossed by Ferry Funes.		"	16 "	"	
Do	under the Navigation Act, 1901, relative to Licensed Pilots		"	16 "	"	
Do	under the Navigation Act, 1901, determining the Qualifications required from persons applying to be licensed as Pilots, &c., under section 57 of that Act.		"	16 "	"	
Order	under the Navigation Act, 1901		"	16 "	"	
Regulations	under the Pharmacy Act, 1897		"	16 "	"	
Regulation	under the Pharmacy Act, 1897		"	16 "	"	
Amended Regulation	under the Government Savings Bank Act, 1902		"	16 "	"	
Amended Regulations	under the Savings Bank of New South Wales Act, 1902		"	16 "	"	
Return	respecting Railway passes		"	16 "	To be printed.	
Statement	of Accounts of the Miners' Accident Relief Fund for the year ended 31st December, 1902.	Mr. Kidd	"	16 "	"	
Regulations	under the Gold and Mineral Dredging (Amending) Act, 1902	"	"	16 "	Not to be printed.	
Do	under the Mining on Private Lands (Amendment) Act, 1902	"	"	16 "	"	
Report	of the Department of Mines for the year 1902	"	"	16 "	To be printed.	
Do	of the Royal Commission to inquire into the fatal accident which took place at the Central Mine, Broken Hill, October, 1902, together with Minutes of Proceedings and Evidence, Exhibits, and Appendices.	"	"	16 "	"	



Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Minutes .....	<p>Copies of, of His Excellency the Governor and the Executive Council, transmitted to the Legislative Assembly by the Deputy-Auditor-General, under the directions contained in the 34th section of the Audit Act, 1902—</p> <p>(a) Authorising the transfer of an amount from the Vote "Public Works Revenue, Miscellaneous, Schedule, 1902-3," to supplement the Vote "Police Department, Contingencies, 1902-3."</p> <p>(b) Authorising the transfer of an amount from the Vote "Public Works Revenue Vote (Railway and Tramway Construction), Miscellaneous, Schedule, 1902-3," to supplement the Vote "Police Department, Contingencies, 1902-3."</p> <p>(c) Authorising the transfer of an amount from the Vote "Department of Lands, Salaries," to supplement the Vote "Compensation for land resumed for Roads under Public Roads Act of 1897."</p> <p>(d) Authorising the transfer of an amount from the Vote "Department of Mines, Contingencies," to supplement the Vote "School of Mines and Assay Works."</p> <p>(e) Authorising the transfer of amounts from the Items "Newspapers, Books, &amp;c.," and "Burial of Destitute Persons, &amp;c.," to supplement the Item "Freight, Insurance, &amp;c."</p> <p>(f) Authorising the transfer of an amount from the Vote "Department of Lands, Salaries," to supplement the Vote "Survey of Lands, Contingencies."</p> <p>(g) Authorising the transfer of an amount from the Vote "Government Printer," to supplement the Items "To pay Municipal Rates on Government Buildings"; "To pay interest on uninvested cash balances at the credit of various Trust and other accounts in the temporary possession of the Government"; "To meet unforeseen expenses to be hereafter accounted for."</p> <p>(h) Authorising the transfer of an amount from the Item "Liquor Act, &amp;c." (Department of the Attorney-General and of Justice), to supplement the Item "To pay Officers of the Department of the Attorney-General and of Justice, who may be granted extended leave of absence prior to retirement, a lump sum in lieu of such leave."</p> <p>(i) Authorising the transfer of an amount from the Vote "Towards purchase of sites for and improvement of Public Parks, &amp;c.," to supplement the Vote "Department of Lands, Contingencies."</p> <p>(j) Authorising the transfer of an amount from the Item "For expenses of inquiries under Commissions Act, 44 Vic. No. 1, and Inquiries under the Crimes Act, 1900, section 468" (Department of the Attorney-General and of Justice), to supplement the Item "District Court, Contingencies."</p>	.....	Mr. Speaker .....	1903. 18 June.....	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations .....	under the Vine and Vegetation Diseases Act, 1901 .....	.....	.....	.....	.....	.....
Do .....	relating to Leases for Tramways, building, machinery, and residence areas for mining purposes.	.....	.....	1903.	.....	Not to be printed.
Further Report.....	of the Inspector of Collieries on Maryland Colliery with reference to surface subsidence.	.....	.....	18 "	.....	To be printed.
Reasons .....	for granting extended leave of absence to Mr. T. L. Bates, Inspector of Collieries.	.....	.....	23 "	.....	Not to be printed.
Report .....	of the Stock and Brands Branch of the Department of Mines and Agriculture for the year 1902.	.....	.....	23 "	.....	To be printed.
Code .....	of Signals under the Mines Inspection Act, 1901 .....	.....	.....	23 "	.....	Not to be printed.
Proclamations and Regulations.....	under the Stock Act, 1901 .....	.....	.....	23 "	.....	"
Do .....	under the Stock Diseases (Tick) Act, 1898 .....	.....	.....	23 "	.....	"
Regulation.....	of the completion of the Keshcutter's Bay Low-level Sewerage, Elizabeth Bay Sewer (branch thereto), Brown-street Branch, Evans-road Branch, Glenmore-road Branch, and Fyrmont Low-level Sewerage (east side, Second Division).	.....	.....	23 "	.....	"
Report .....	of the completion of the Marrickville Valley Stormwater Channels:—Western Channel, Branch through Railway Grounds; Central Channel, Belmore Railway Grounds Branch; Branch from Channel to Pump-well; Eastern Channel, First Division—Bridge-street Branch; Eastern Channel, Second Division—Grove-street Branch; Railway Parade Branch; Edinburgh-road Branch.	.....	.....	24 "	.....	"
Do .....	of the completion of the following Pipe Sewers, viz.:—Homebush-road, Albert-road, Homebush and Kedmyre road, Vernon-street, Carvington-avenue, The Boulevard, and Albyn-road, situate in the Borough of Strathfield.	.....	.....	24 "	.....	"
Do .....	of the completion of the Kalmian, Annandale, and Leichhardt Low-level Drainage:—Looke-street to Stephen-street Sewer, Cooper-street Branch, First Division; Second Division—Abattoir-road Branch, Mansfield-street Branch, Buchanan-street Branch, Gordon-street Branch, Denison-street Branch, Booth's Mill Branch, Adolphus-street Branch, Edward-street Branch, Water-view-street Branch, Duke-street Branch, Stimmous-street Branch, Darling-street Branch.	.....	.....	24 "	.....	"
Do .....	of the completion of the Domain, Woolloomooloo, and Circular Quay (west site) Stormwater Drainage; Double Bay Stormwater Channel Extension, Outlet end; Fruit-street Stormwater Channel; Washington-street Stormwater Channel; White's Creek Stormwater Channel, Lower Section; Easton Park Stormwater Channel, Extension to Rozelle Bay Outlet, Gordon-street Branch; Pipe-drain to White's Creek Stormwater Channel, near Piper-street; Easton Park Stormwater Channel, Burt-street Branch Extension; Randwick-road Stormwater Channel, Branch thereto; North Botany Stormwater Channel; Manly Sewerage, Fairy Bower Stormwater Channel; Shell Cove Stormwater Channel; Manly Sewerage, Reglan-street Stormwater Channel; Norton-street Branch; Johnstone's Creek Stormwater Channel, Outlet end Branch; Lillie Bridge Branch.	.....	.....	24 "	.....	"

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report	of the completion of the Long Cove Creek Stormwater Drainage, Daniel-street Branch; and Extension from Battle Bridge to Marion-street; Long Cove Creek Stormwater Channel, Grove-street Branch; Iron Cove Creek Stormwater Channel, Park-road Extension; Stanmore-road Stormwater Channel, Frederick-street Overflow; Homebush Creek Stormwater Channel, Wonga-street Extension.		Mr. O'Sullivan	24 June 1903.	Not to be printed.	
Do	of the completion of the Marrickville Low-level Drainage		"	24 "	"	"
Do	of the completion of the Rockdale Sewage Farm		"	24 "	"	"
By-laws	of the Municipal District of Ballina, under the Country Towns Water and Sewerage Act of 1880 and the Country Towns Water and Sewerage Act Extension Act of 1887.		"	24 "	"	"
Do	of the Municipal District of Blayney, under the Country Towns Water and Sewerage Act of 1880.		"	24 "	"	"
Amended By-laws	of the Borough of Picton, under the Country Towns Water and Sewerage Act of 1880.		"	24 "	"	"
Amended By-law	of the Municipal District of Bourke, under the Country Towns Water and Sewerage Act of 1880.		"	24 "	"	"
By-laws	of the Municipal District of Tumut, under the Country Towns Water and Sewerage Act of 1880 and the Country Towns Water and Sewerage Act Extension Act of 1887.		"	24 "	"	"
Regulations	under the Water Rights Act, 1902.	Mr. Davidson	"	24 "	To be printed.	"
Return to an Order Report	"Sleepers for Railway Construction" of the Metropolitan Board of Water Supply and Sewerage for the year ended 30th June, 1902	"	"	24 "	"	"
Notification	of resumption of land, under the Public Works Act, 1900, for the Diversion of Lavender Creek, Murwillumbah South	"	"	25 "	Not to be printed.	"
Do	of resumption of land, under the Public Works Act, 1900, for the Supply of Water to the City of Sydney and its Suburbs	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for the Supply of Water to the Town of Ballina	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for the formation of Approaches to a Bridge over the Hunter River, at Laskinyre.	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for Approaches to Nelson's Plains Punt	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for Supply of Water at Grenfell, in connection with the Koorawatha to Grenfell Railway	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for Lowering of Grade in connection with the Broken Hill Tramway	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for the erection of a Caretaker's Residence in connection with the bridge over the Wilson River at Telegraph Point	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for Water Supply at Lockhart, in connection with The Rock to Green's Gunyah Railway.	"	"	25 "	"	"
Do	of resumption of land, under the Public Works Act, 1900, for the construction of an Artesian Well on R. A. Weber's homestead selection, parish of Ulumbie, county of Baradine.	"	"	25 "	"	"

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notification	of resumption of land, under the Public Works Act, 1900, for the construction of an Artesian Well at Come-by-Chance.		Mr. O'Sullivan	1903. 25 June	Not to be printed.	
Do	of resumption of land, under the Public Works Act, 1900, for the construction of a Dam across the Cataract River, in connection with the Sydney Water Supply.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for the Conservation of Water in the Gwydir River District.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for Supply of Water at Coolbaggie, Gilgandra, and Coonamble, in connection with the Dubbo to Coonamble Railway.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for the construction of an Artesian Well near Collarenebri.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for Supply of Water at Gular, in connection with the Dubbo to Coonamble Railway.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for Supply of Water to the town of Ballina.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for erection of Bridge over the Richmond River at Coraki.		"	25 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for erection of Railway Station in the vicinity of the Tweed River.		"	25 "	"	
Additional By-law	under the Metropolitan Water and Sewerage Acts, 1880-1889, respecting Low-level Sewerage Works.		"	30 "	"	
By-laws	of the Borough of Bathurst, under the Country Towns Water and Sewerage Acts.		"	30 "	"	
Notification	of resumption of land, under the Public Works Act, 1900, for the reconstruction of works for Defence Purposes, near Colah Railway Station.		"	30 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for the construction of Sewerage Works for Newcastle and Suburbs.		"	30 "	"	
Do	of resumption of land, under the Public Works Act, 1900, for the construction of an Artesian Well on C. D. Caton's conditional lease, parish of Esperance, county of Clyde.		"	30 "	"	
Regulations	under the Mines Inspection Act, 1901, respecting the Prevention of Lead Poisoning.	Mr. Perry	"	30 "	"	
Statement	showing the receipts and expenditure of the Hay Irrigation Trust for the year 1902.	Mr. Crick	"	30 "	To be printed.	
Amended Regulations	Nos. 66, 129, 232, and 233, also Amended Forms Nos. 18 and 43, under the Crown Lands Acts.	"	"	30 "	Not to be printed.	
Amended Regulation	No. 213 under the Crown Lands Acts	"	"	30 "	"	
Do	No. 215 under the Crown Lands Acts	"	"	30 "	"	
Do	No. 258 under the Crown Lands Acts	"	"	30 "	"	
Do	No. 210A, Amended Regulation No. 335, and Additional Form No. 94, under the Crown Lands Acts.	"	"	30 "	"	
Additional Regulation	No. 314A under the Crown Lands Acts	"	"	30 "	"	
Amended Regulation	No. 180 under the Crown Lands Acts	"	"	30 "	"	
Timber and Quarry Regulations	under the Crown Lands Acts	"	"	30 "	"	
Amended Form	No. 40A under the Crown Lands Acts	"	"	30 "	"	
Amended Form	Nos. 74 and 91 under the Crown Lands Acts	"	"	30 "	"	
Amended Form	No. 43 under the Crown Lands Acts	"	"	30 "	"	
Regulations and Forms	under the Crown Lands Acts and the Appraisement Act, 1902	"	"	30 "	"	
Do	do	"	"	30 "	"	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	When laid upon Table.	When laid upon Table.	When laid upon Table.	When laid upon Table.	Remarks.
Amended Regulation	No. 20 under the Pastures Protection Act, 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Regulations and Forms	under the Advances to Settlers Acts.	.....	.....	.....	.....	.....	.....	.....	.....
Additional Regulation	No. 29 under the Blockholders Act, 1901.	.....	.....	.....	.....	.....	.....	.....	.....
Additional Form	No. 5 under the Blockholders Act, 1901	.....	.....	.....	.....	.....	.....	.....	.....
Amended Regulation	No. 40 under the Rabbit Act, 1901	.....	.....	.....	.....	.....	.....	.....	.....
Report	of the Minister of Public Instruction for the year 1902	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Trustees of the Australian Museum for the year 1902	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Senate of the University of Sydney for the year 1902	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Trustees of the Public Library of New South Wales for the year 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Trustees of the National Art Gallery for the year 1902	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Trustees of the Sydney Grammar School for the year 1902	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Superintendent of the Industrial School for Girls, Parramatta, for the year 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Superintendent of the Carpenterian Reformatory for the year 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Nautical School-ship "Sobraon" for the year ended 30th April, 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Do	of the Nautical School-ship "Sobraon" for the year ended 30th April, 1903.	.....	.....	.....	.....	.....	.....	.....	.....
Regulation	under the Public Instruction Act, 1880	.....	.....	.....	.....	.....	.....	.....	.....
Amended Regulation	under the Public Instruction Act, 1880	.....	.....	.....	.....	.....	.....	.....	.....
Amended By-laws	of the University of Sydney	.....	.....	.....	.....	.....	.....	.....	.....
Amended By-law	of the University of Sydney	.....	.....	.....	.....	.....	.....	.....	.....
Notifications	under the Library and Art Gallery Act, 1899	.....	.....	.....	.....	.....	.....	.....	.....
	of resumption of land, under the Public Works Act, 1900, for Public School purposes, at Pearson, Cullendore, Federal Park, Bald Nob, Gum Holes, Central Macdonald, Strathmore, McDonald's Creek, Baker's Creek, Belmore River (Upper), Waddi South, Calvert, Banaloo, Mulla Creek, Bagawa, Mogong, Acacia Creek, Shaking Bog, Yarrandale, North Belmore, Swan Peak, Midway (Rock Vale), Thyra, Pelaw Main, Stanford, Merthy, and Connorgie.	.....	.....	.....	.....	.....	.....	.....	.....
Report	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence and Plan, relating to the proposed Graving Dock at the Port of Newcastle.	.....	.....	.....	.....	.....	.....	.....	.....
Do	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence, relating to the proposed Breakwater at Bermagui.	.....	.....	.....	.....	.....	.....	.....	.....
Do	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence and Plan, relating to the proposed Hunter River Flood Prevention.	.....	.....	.....	.....	.....	.....	.....	.....
Notification	of resumption of land, under the Public Works Act, 1900, for Grade Improvements on the Great Northern Railway at Quindind.	.....	.....	.....	.....	.....	.....	.....	.....
Minute	of the Governor-in-Council respecting the exemption of the Revenue and Receipts Accounts (only) of the Railways and Tramways from detailed audit by the Auditor-General, under section 54 of the Audit Act, 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Regulations	in respect of the Sanitary Area of White Cliffs under the Public Health Act, 1902.	.....	.....	.....	.....	.....	.....	.....	.....
Additional By-laws	of the Municipal Council of Aberdeen under the Nuisances Prevention Act, 1897.	.....	.....	.....	.....	.....	.....	.....	.....

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report	of the Central Board for Old-age Pensions for the year 1901-2.			1903.	To be printed.	
Do	of the Royal Commission of Inquiry into the Mount Kembla Colliery Disaster, together with Minutes of Evidence and Exhibits.		Mr. Waddell	7 July	"	
Do	of the Royal Commission of Inquiry into the Working and Administration of the Government Docks and Workshops at Cockatoo Island, together with Minutes of Evidence and Appendices.		"	7 "	"	
Dormant Commission	appointing the Chief Justice, or the Senior Judge for the time being of the Supreme Court, to be Administrator of the Government of New South Wales and its Dependencies in the event of the death, incapacity, or absence of the Governor and Lieutenant-Governor.		"	7 "	"	
By-law	of the Borough of Murrumburrah		"	7 "	Not to be printed.	
Do	of the Borough of Granville		"	7 "	"	
Do	of the Borough of Wollongong		"	7 "	"	
By-laws	of the Borough of Drummoyno		"	7 "	"	
Additional By-laws	of the Borough of Hunter's Hill		"	7 "	"	
By-law	of the Municipal District of Parkes		"	7 "	"	
Do	of the Municipal District of Canterbury		"	7 "	"	
By-laws	of the Municipal District of Ryde		"	7 "	"	
Do	of the Municipal District of Maclean		"	7 "	"	
Do	of the Municipal District of Coonamble		"	7 "	"	
Do	of the Municipal District of Katoomba		"	7 "	"	
Do	of the Municipal District of Nowra		"	7 "	"	
Do	of the Municipal District of Tumut		"	7 "	"	
Do	of the Municipal District of Wickham		"	7 "	"	
Additional By-law	under the Dentists Act, 1900		"	7 "	"	
Amended Regulations	under the Sydney Harbour Trust Act, 1900		"	7 "	"	
Regulations	under the Fisheries Act, 1902		"	7 "	"	
Regulations	under the Registration of Firms Act, 1902		"	7 "	"	
Rules	under the Police Regulation Act, 1899		"	7 "	"	
Regulations	under the Public Works Act, 1900		"	7 "	"	
Patients	"E" and "F" under the Census Act, 1901		"	7 "	To be printed.	
Reasons	for granting leave of absence to Mr. R. Thornton, clerk, Agent-General's Office.		"	7 "	Not to be printed.	
Report	of the Sydney Harbour Trust Commissioners for the half-year ended 30th June, 1902.		"	7 "	To be printed.	
Do	of the Aborigines Protection Board for the year 1901		"	7 "	"	
Do	of the Police Department for the year 1902.		"	7 "	"	
Do	of the Department of the Agent-General for New South Wales for the year 1902.		"	7 "	"	
Report	of the Director of Botanic Gardens and Domains for the year 1902		"	7 "	"	
Reports	by Board of Health, respecting Pkomaine Poisoning		"	7 "	To be printed.	
Return	showing amounts received by the Sydney Harbour Trust for dredging at private wharfs for year ended 30th June, 1902.		"	7 "	"	
Return to an Order	"Inebriates Asylum"		"	7 "	"	
Report	on the Coast Hospital, Little Bay, for the year 1902		"	7 "	"	
Synopsis of Voting	at the General Election, 3rd July, 1901		"	7 "	"	
Report	by the Assistant Medical Officer of the Government on outbreak of Typhoid Fever at Coonamble.		"	7 "	"	
Do	of the President of the State Children Relief Board for the year ended 31st April, 1903.	Mr. J. C. L. Fitzpatrick	"	7 "	"	Postponed for further consideration.

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report	(Twentieth General) of the Parliamentary Standing Committee on Public Works.	.....	Sir John See	1903. 7 July	To be printed.	
Do	of the Wollongong Fire Brigades Board for the year ended 31st March, 1903.	.....	"	7 "	Not to be printed.	
Rule	of the Supreme Court in Lunacy under the Inebriates Act, 1900	.....	"	7 "	"	
Rules	under the Industrial Arbitration Act, 1901	.....	"	7 "	"	
Despatch	from Secretary of State for the Colonies, forwarding copy of Order-in-Council respecting Treaty between Her late Majesty Queen Victoria and the Emperor of Austria for the mutual surrender of Fugitive Criminals.	.....	"	7 "	"	
Rule	of the Supreme Court in Lunacy	.....	"	7 "	"	
General Rules	of the Supreme Court, of 22nd December, 1902	.....	"	7 "	"	
Return (in part) to an Order.	" Convictions under the Licensing Act "	Mr. Garrard	"	7 "	"	Postponed for further consideration.
Report	on Prisons for the year 1902.	.....	"	7 "	To be printed.	
Annual Returns	under the District Courts Act, 1901	.....	"	7 "	Not to be printed.	
Additional Regulation.	under the Industrial Arbitration Act, 1901	.....	"	7 "	"	
Report	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence, relating to the proposed Cape Hawke Harbour Works.	.....	Mr. McFarlane	7 "	To be printed.	
Minutes	Copies of, of His Excellency the Governor and the Executive Council, transmitted to the Legislative Assembly by the Deputy Auditor-General, under the directions contained in the 34th section of the Audit Act, 1902.—	.....	Mr. Speaker	8 "	Not to be printed.	
	(a) Authorising the transfer of an amount from the Vote "Master in Equity" to supplement the Vote "Coroners."	.....	.....	.....	.....	.....
	(b) Authorising the transfer of an amount from the Vote "Church and School Lands, Contingencies," to supplement the Vote "Advances to Settlers Board, Contingencies."	.....	.....	.....	.....	.....
	(c) Authorising the transfer of amounts from the Votes "Alignment Posts for Towns," "Purchase, Acquisition, &c., of Sites for Parks, &c.," "Purchase of Recreation Reserves between Lismore and Casino," "Refunds of 75 per cent. of royalty paid on Timber, &c.," "Trigonometrical Survey, Contingencies," "Labour Settlements," to supplement the Vote "Survey of Lands, Contingencies."	.....	.....	.....	.....	.....
	(d) Authorising the transfer of an amount from the Vote "Department of the Attorney-General and of Justice" to supplement the Vote "Prothonotary and Divorce Court," in case of seamen of s.s. "Orlita," sent to Darlinghurst Gaol for disobeying orders.	.....	Sir John See	8 "	"	"
Depositions	on the working of the Factories and Shops Act, Early Closing Acts, Shearers' Accommodation Act, &c., during the year 1902.	.....	Mr. Perry	8 "	To be printed.	
Amended Regulation	No. 2, and Additional Regulation No. 42, under the Western Lands Act, 1901.	.....	Mr. Bennett	8 "	Not to be printed.	
Abstract.	of Crown Lands reserved from sale for the Preservation of Water Supply or other Public Purposes under the Crown Lands Act of 1884.	.....	"	8 "	"	
Do	of Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	"	8 "	"	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Abstract.....	of alterations and cancellations of designs of Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	.....	1903. 8 July.....	Not to be printed.	
Do .....	of Crown Lands authorised to be dedicated to Religious Purposes, under the Crown Lands Alienation Act, 1861.	.....	.....	8 " .....	"	
Do .....	of Crown Lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	.....	8 " .....	"	
Gazette Notices .....	setting forth the mode in which it is proposed to deal with the dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889 and the Public Trusts Act, 1897.	.....	.....	8 " .....	"	
Notification .....	of resumption of land, under the Public Works Act, 1900; for a Cemetery at Hinton.	.....	.....	8 " .....	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for a Public Park at Drummoyne.	.....	.....	8 " .....	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for a Public Park at Illawarra, Fig Tree.	.....	.....	8 " .....	"	
Do .....	of resumption of land, under the Public Works Act, 1900, for a Public Cemetery at Lostock.	.....	.....	8 " .....	"	
Amended Notification.....	of resumption of land, under the Public Works Act, 1900, for a Public Park at Drummoyne.	.....	.....	8 " .....	"	
Additional Regulation .....	under the Public Health Act, 1902 (Part IX.).....	.....	.....	8 " .....	"	
		.....	Mr. Waddell .....	8 " .....	"	
		.....	Mr. Bennett .....	8 " .....	"	
		.....	" .....	8 " .....	"	
		.....	" .....	8 " .....	"	
		.....	" .....	8 " .....	"	
		.....	" .....	8 " .....	"	
		.....	" .....	8 " .....	"	
		.....	" .....	8 " .....	"	
		.....	Mr. Waddell .....	8 " .....	"	

No. 1 Committee Room,  
Legislative Assembly,  
8th July, 1903.

JAMES GORMLY,  
Chairman.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 2.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry J2, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 1, dated 9th July, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report .....	of the Director of Botanic Gardens and Domains for the year 1902.....	.....	Sir John See .....	1903. 7 July .....	.....	Postponed for further consideration.
Return ( <i>in part</i> ) to an Order .....	"Convictions under the Licensing Act" .....	Mr. Garrard .....	" .....	7 " .....	Not to be printed.	
Return .....	showing names, salaries, allowances, &c., of Judges and acting Judges.	" .....	" .....	9 " .....	To be printed.	
Rule .....	of the Supreme Court, dated 30th June, 1903 .....	" .....	" .....	9 " .....	Not to be printed.	
Papers .....	respecting the Weighbridge at Wallarah Mine, Catherine Hill Bay .....	Mr. Egan .....	Mr. Egan .....	14 " .....	" .....	
Additional Regulations .....	No. 6A, under the Pastures Protection Act, 1902 .....	Mr. Creek .....	Mr. Creek .....	14 " .....	" .....	
Proclamation .....	Notifying the boundaries of the Coast Seal District, under section 120 of the Pastures Protection Act, 1902.	" .....	" .....	14 " .....	" .....	
Do .....	Notifying suspension of subsection 3 of section 116 and subsection 5 of section 121 of the Pastures Protection Act, 1902, for twelve months, <i>re</i> Dressing Coast District Sheep.	" .....	" .....	14 " .....	" .....	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Proclamation.....	under section 107 of the Pastures Protection Act, 1902, suspending the provisions of sections 103, 104, and 106 of that Act for six months as regards the introduction of sheep from Victoria and South Australia.	.....	Mr. Crick.....	1903. 14 July.....	Not to be printed.	
Do .....	under section 96 of the Pastures Protection Act, 1902, declaring that the provisions of subsections 1, 2, 3, and 4 of section 96 shall apply.	.....	" .....	14 " .....	" .....	
Do .....	under section 103 of the Pastures Protection Act, 1902, appointing crossing-places at which sheep may cross from Queensland, Victoria, and South Australia, into this State.	.....	" .....	14 " .....	" .....	
Do .....	under the Stock Act, 1901, prohibiting the introduction of swine from Victoria for a period of twelve months.	.....	Mr. Kidd.....	15 " .....	" .....	
Return .....	respecting the sale of adulterated agricultural fertilizers .....	.....	" .....	15 " .....	To be printed.	
By-laws .....	of the Municipal District of Rockdale .....	.....	Sir John See .....	15 " .....	Not to be printed.	
Do .....	of the Municipal District of Nowra .....	.....	" .....	15 " .....	" .....	
Amendments in Regulations .....	under the Metropolitan Traffic Act, 1900 .....	.....	" .....	15 " .....	" .....	
By-laws .....	of the Borough of West Maitland, under the West Maitland Cattle Saleyards Act, 1888, and the Municipalities Act, 1897.	.....	" .....	15 " .....	" .....	

No. 1 Committee Room,  
Legislative Assembly,  
16th July, 1903.

JAMES GORMLY,  
Chairman.

1903.

## LEGISLATIVE ASSEMBLY.

## NEW SOUTH WALES.

No. 3.

## REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 2, dated 16th July, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report .....	of the Director of Botanic Gardens and Domains for the year 1902...	.....	Sir John See .....	1903. 7 July .....	To be printed in abstract.	Reported on on 6th July, 1903; referred back to Committee for reconsideration, 21st July, 1903.
Do .....	of the Royal Commission to inquire into the fatal accident which took place at the Central Mine, Broken Hill, October 1902, together with Minutes of Proceedings and Evidence, Exhibits, and Appendices.	.....	Mr. Kidd .....	16 June .....	To be printed in abstract.	
Return .....	respecting Loans raised for Public Works from 1st September, 1899, to 30th June, 1903.	.....	Mr. Waddell .....	21 July .....	To be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1900, for extending Railway Station Yard at Bathurst.	.....	" .....	21 " .....	Not to be printed.	
Do .....	of appropriation and resumption of land, under the Public Works Act, 1900, for the erection of a Police Station at Downing.	.....	Mr. Fegan .....	21 " .....	" .....	
Do .....	of resumption of land, under the Public Works Act, 1900, for the extension of the Coomamble Railway Station.	.....	" .....	21 " .....	" .....	
Do .....	of resumption of land, under the Public Works Act, 1900, for a Water Supply for Luddenham.	.....	" .....	21 " .....	" .....	
Do .....	of resumption of land, under the Public Works Act, 1900, for a Railway Platform at Armadale.	.....	" .....	21 " .....	" .....	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return Regulations By-law Papers	respecting Government Asylums for the Infirm and Destitute under the Parliamentary Electorates and Elections Acts of the Borough of Granville.		Sir John See	21 July	To be printed.	
Abstract	respecting the appointment of Mr. Arnold Walker as Shorthand-writer to the Industrial Arbitration Court.		"	21 "	Not to be printed.	
Gazette Notices	of Crown Lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.		Mr. Bennett	21 "	"	
Minutes	setting forth the mode in which it is proposed to deal with the dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889.		"	22 "	"	
	Copies of, of His Excellency the Governor and the Executive Council, transmitted to the Legislative Assembly by the Deputy Auditor-General, under the directions contained in the 34th Section of the Audit Act, 1902.—		Mr. Spenker	22 "	"	
	(a) Authorising the transfer of an amount from the Vote "Garden Palace Grounds," to supplement the Vote "State Nursery, Campbelltown."					
	(b) Authorising the transfer of amounts from the Votes "Exchange on remittances within and beyond the Colony," and "Federal Celebrations—to cover outstanding accounts," to supplement the Votes "To pay Municipal Rates on Government Buildings" and "Police."					
	(c) Authorising the transfer of amounts from the Votes "Government Printer," "Glebe Island Abattoir," "Interest on Advances by Banks in London," and "For the purposes of Pastures and Stock Protection Act," to supplement the Votes "Aborigines Protection Board," "Coast Hospital," "Gratuities to Officers on retirement," "To pay interest on uninvested Cash Balances," "Petty Sessions," "Medical Adviser to the Government," "Maintenance of the Destitute Sick," "Commission on Payments in England," "Transmission of Telegraphic Messages," "Public Service Tender Board," "Arbitration Court," and "Department of the Attorney-General and of Justice."					
	(d) Authorising the transfer of an amount from the Vote "Garden Palace Grounds, Contingencies," to supplement the Vote "State Nursery, Campbelltown, Contingencies."					
	(e) Authorising the transfer of an amount from the Vote "Botanic Gardens, Contingencies," to supplement the Vote "Centennial Park, Contingencies."					

No. 1 Committee Room,  
Legislative Assembly,  
23rd July, 1903.

JAMES GORMLY,  
Chairman.

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 4.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 1<sup>st</sup>, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 3, dated 23rd July, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks
Report Second Report .....	of the Inspector-General of the Insane for the year 1902 from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence relating to the proposed Railway from Eden to Bega.	.....	Sir John See Mr. McFarlane .....	1903. 23 July .....	To be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Tank at Milbrulong.	.....	Mr. O'Sullivan .....	28 " .....	Not to be printed.	
Do .....	of resumption of land, under the Public Works Act, 1900, for a Stormwater Channel at Marrickville.	.....	" .....	28 " .....	" .....	
Report .....	of the Railway Commissioners on Railways and Tramways for quarter ended 30th June, 1903.	.....	Mr. Perry .....	28 " .....	To be printed.	
Return .....	showing expenditure on Parks and Recreation Grounds .....	.....	Mr. Crick .....	29 " .....	Not to be printed.	
Abstract .....	of Crown Lands reserved from Sale for the Preservation of Water Supply or other Public Purposes under the Crown Lands Act of 1884.	.....	" .....	29 " .....	" .....	
Do .....	of Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	29 " .....	" .....	
Do .....	of Alterations and Cancellations of Designs of Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	29 " .....	" .....	
Return .....	showing cost of conducting the Business of Parliament, 16th June to 16th July, 1903.	.....	Sir John See .....	29 " .....	To be printed.	
Reports .....	by the Assistant Medical Officer of the Government on epidemics of Typhoid Fever at Boggabri, Cobar, Tamworth, Forbes, and Warren.	.....	" .....	29 " .....	Not to be printed.	
Regulations and Forms .....	under the Fisheries Act, 1902 .....	.....	" .....	29 " .....	" .....	

No. 1 Committee Room,  
Legislative Assembly,  
30th July, 1903.

JAMES GORNALL,  
Chairman.

13

13

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 5.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 4, dated 30th July, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return .....	showing Improvement Leases offered for Sale and Tender .....	.....	Mr. Crick.....	1903. 30 July.....	Not to be printed.	
Additional By-law .....	of the Municipal District of Wyalong, under the Nuisances Prevention Act, 1897.	.....	Mr. Waddell .....	30 ,, .....	”	
Return .....	showing the number of Dogs registered in Sydney during the year ended 30th June, 1903, and the amount of Fees derived therefrom.	.....	Sir John See .....	4 August .....	”	
Returns .....	under the several Acts administered by the Registrar-General for the year 1902.	.....	” .....	4 ,, .....	”	

No. 1 Committee Room,  
Legislative Assembly,  
6th August, 1903.

JAMES GORMLY,  
Chairman.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary sources, as well as the specific techniques employed for data processing and statistical analysis.

The third section provides a detailed overview of the results obtained from the study. It highlights the key findings and discusses their implications for the field. The author also addresses any limitations of the study and suggests areas for future research.

Finally, the document concludes with a summary of the main points and a final statement on the significance of the work. The author expresses their appreciation to the funding agencies and the research team for their support and contributions.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 6.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 5, dated 6th August, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Cancellation of Regulation, No. 254 Regulation No. 1 Gazette Notice	under the Crown Lands Acts under the Closer Settlement Act, 1901 setting forth the mode in which it is proposed to deal with the dedication of certain lands under the Crown Lands Act of 1884 and the Public Trusts Act, 1897. Crown lands reserved from sale for the Preservation of Water Supply or other Public Purposes, under the Crown Lands Act of 1884.	..... ..... .....	Mr. Crik. " "	1903. 6 August 6 " 6 "	Not to be printed. " "	
Abstract	of Crown lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. O'Sullivan	12 " 12 " 12 "	" " "	
Notification	of resumption of land, under the Public Works Act, 1900, for a new Railway Terminus at the north side of Devonshire-street.	.....	"	12 " 12 "	" "	
Notification	of resumption of land, under the Public Works Act, 1900, for a Service Reservoir in connection with the Vancluse Water Supply of the Borough of West Maitland	.....	Sir John See	12 " 12 " 12 "	" " "	
By-law	of the Borough of Willoughby	.....	"	12 "	"	
By-laws	of the Municipal District of Deuiliquin	.....	"	12 "	"	
Regulations	under the Sydney Harbour Trust Act, 1900	.....	"	12 "	"	

No. 1 Committee Room,  
Legislative Assembly,  
13th August, 1903.

JAMES GORMLY,  
Chairman.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 7.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 6, dated 13th August, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Correspondence..... Letter.....	respecting the appointment of Ewart Williams at Fitzroy Dock..... from the Managing Committee at Fitzroy Dock, respecting the classification and appointment of Ewart Williams at Fitzroy Dock.	.....	Mr. O'Sullivan "	1903. 13 August 13 "	Not to be printed. "	
All Papers.....	relating to the appointment of the Royal Commission of Inquiry into the working and administration of the Government Docks and Workshops at Cockatoo Island.	.....	Sir John See	13 "	To be printed.	
Amended Regulations..... Report.....	under the Pastures Protection Act, 1902..... from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence and Appendix, relating to the proposed Southern Breakwater, entrance to the Clarence River.	.....	Mr. Crick..... Mr. McFarlane.....	13 " 18 "	Not to be printed. To be printed.	
Return to an Order..... Proclamation.....	Buildings demolished on site of New Central Railway Station..... annulling Regulations contained in Schedule II of the Scaffolding and Lifts Act, 1902, and making Regulations in place thereof.	Mr. J. C. L. Fitzpatrick	Mr. O'Sullivan "	19 " 19 "	Not to be printed. "	
Return..... Regulations and Standards of Proficiency..... Statement of Accounts.....	respecting Cables on the Ocean-street Tram-line..... under the Public Instruction Act, 1880..... respecting Trial Bay Prison..... of the Sydney Harbour Trust from 11th February, 1901, to 30th June, 1902.	.....	Mr. Waddell Mr. Perry	19 " 19 "	" "	
Memorandum.....	by the President of the Board of Health respecting Small-pox and Vaccination.	.....	Sir John See "	19 " 19 "	To be printed. "	
By-law..... By-laws.....	of the Borough of Bexley..... of the Borough of Vaucluse.....	.....	" "	19 " 19 "	Not to be printed. "	

No. 1 Committee Room,  
Legislative Assembly,  
20th August, 1903.

J. GILLIES,  
Chairman (pro tem).

(Gibson)

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 8.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 7, dated 20th August, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Correspondence.....	respecting persons recommended for employment by the Hon. J. H. Carruthers, M.P.	.....	Mr. O'Sullivan	1903. 20 August	Not to be printed.	
Additional Regulations Particulars.....	under the Pastures Protection Act, 1902 of Western Lands Leases, Nos. 96 to 138, issued under the Western Lands Act, 1901.	.....	Mr. Crick	20 20	" "	
Report .....	of Inspector-General of Police, on recent Parliamentary Debate respecting Police Superannuation Fund.	.....	Sir John See	20	"	
Letter .....	from the Hon. J. M. Creed, M.L.C., with regard to the Memorandum furnished by the President of the Board of Health respecting Small-pox and Vaccination.	.....	"	20	"	
Statement .....	of Bank Liabilities and Assets for quarter ended 31st March, 1903.	.....	Mr. Waddell	20	"	
Statement .....	of Public Companies' Liabilities and Assets for quarter ended 31st March, 1903.	.....	"	20	"	
Statement .....	of Bank Liabilities and Assets for quarter ended 30th June, 1903.	.....	"	20	"	
Statement .....	of Public Companies' Liabilities and Assets for quarter ended 30th June, 1903.	.....	"	20	"	
Return .....	showing amounts noted and expended on Roads in the Merriwa- Cassilis and Rylstone portions respectively of the Rylstone Electorate during the financial year ended 30th June, 1903.	.....	Mr. O'Sullivan	25	"	
By-law .....	of the Municipal District of Scone	.....	"	"	"	
Regulations .....	under the Fisheries Act, 1902	.....	Sir John See	26	"	
Particulars.....	respecting the building used as the Registrar-General's Office	.....	"	26	"	
Abstract.....	of Crown lands reserved from Sale for the Preservation of Water Supply or other Public Purposes under the Crown Lands Act of 1884.	.....	Mr. Bennett	26	"	
Abstract.....	of Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	"	26	"	
Abstract.....	of Alterations of Designs of Cities, Towns, and Villages under the Crown lands Act of 1884.	.....	"	26	"	
Abstract.....	of Crown lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	"	26	"	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the dedication of certain Lands under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act, 1897.	.....	"	26	"	

No. 1 Committee Room,  
Legislative Assembly,  
27th August, 1903.

JAMES GORMLY,  
Chairman.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 9.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 8, dated 27th August, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Amended Regulations. Return	Nos. 57A and 215, under the Crown Lands Acts relating to the expenditure in connection with the installation, &c., of Electric Light, &c., in various Public Buildings in the Metropolitan District.		Mr. Crick. Mr. O'Sullivan	1903. 1 September	Not to be printed.	
Return to an Order By-laws Report Return Report Report Particulars	Visits of Clergymen to Gaols of the Municipal District of Liverpool of the Aborigines' Protection Board for the year 1902 respecting Fruit Pests and their Parasites from the Committee appointed to investigate and report upon the Capital Account of the Railways and Tramways from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence relating to the Water Supply for Town of Broken Hill—Dam and Tramway at Umberumberka Creek. of Leases Nos. 139 to 167, issued under the Western Lands Act, 1901.	Mr. Affleck	Sir John See " Mr. Kidd. Mr. Waddell Mr. McFarlane Mr. Bennett	1 " 1 " 1 " 2 " 2 "	To be printed. Not to be printed. To be printed. " " " "	

JAMES GORMLY,  
Chairman.

No. 1 Committee Room,  
Legislative Assembly,  
3rd September, 1903.





1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 10.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 9, dated 3rd September, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Héifárika.
Return .....	showing tenders received for the supply of Sanitary Fittings required for Prince Alfred Hospital.	.....	Mr. O'Sullivan	3 September 1903.	Not to be printed.	.....
Report .....	of the Railway Commissioners on Railways and Tramways for year ended 30th June, 1903.	.....	Mr. Waddell	3 " "	To be printed.	.....
Rule .....	under the Industrial Arbitration Act, 1901	.....	Sir John See	3 " "	Not to be printed.	.....
Regulations .....	under the Parliamentary Electorates and Elections Act, 1902.	.....	" "	3 " "	" "	.....
By-laws .....	of the Municipal District of Bourke	.....	" "	3 " "	" "	.....
By-laws .....	of the Municipal District of Carrington	.....	" "	3 " "	" "	.....
By-laws .....	of the Borough of West Maitland	.....	" "	3 " "	" "	.....
Copy of Minute .....	of His Excellency the Governor and Executive Council, transmitted to the Legislative Assembly by the Deputy Auditor-General, under the directions contained in the 34th section of the Audit Act, 1902,—Authorising the transfer of an amount from the Vote "Department of Lands" to supplement the Vote "Land Appeal Court, Contingencies"	.....	Mr. Speaker	3 " "	" "	.....
By-laws .....	under the Hunter District Water Supply and Sewerage Acts	.....	Mr. O'Sullivan	8 " "	" "	.....
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Triangle at Casino, for railway purposes.	.....	" "	8 " "	" "	.....
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Tank at the Junction of the road from Temora to Young with the road from Temora to Morangarell.	.....	" "	8 " "	" "	.....
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Reservoir in connection with the Gundagai to Tumut Railway.	.....	" "	8 " "	" "	.....

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notification .....	of resumption of land, under the Public Works Act, 1900, for way of approach to Bowra Wharf, Nambucca River.	.....	Mr. O'Sullivan .....	1903. 8 September.....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Dry Dock at Asiby.	.....	" .....	8 " .....	" .....	
Report .....	of the Department of Agriculture for the year 1902, and for the half-year ended 30th June, 1903.	.....	Mr. Kidd .....	8 " .....	To be printed.	
Particulars .....	respecting Superintendents and Inspectors of Police .....	.....	Sir John See .....	8 " .....	Not to be printed.	
By-law .....	of the Borough of Cowra .....	.....	" .....	8 " .....	" .....	
Papers .....	relating to the trial of the late Mr. Neilly's appliance for the purpose of transferring vehicles from one railway gauge to another.	.....	Mr. Waddell .....	8 " .....	To be printed.	
Abstract.....	of Crown Lands reserved from sale for the preservation of Water Supply or other Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. Bennett .....	9 " .....	Not to be printed.	
Abstract.....	of Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	9 " .....	" .....	
Abstract.....	of alterations of Designs of Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	9 " .....	" .....	
Abstract.....	of Crown Lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	" .....	9 " .....	" .....	

No. 1 Committee Room,  
Legislative Assembly,  
10th September, 1903.

JAMES GORMLY,  
Chairman.

[3d.]

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 11.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 10, dated 10th September, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Notifications .....	of resumption of land, under the Public Works Act, 1900, for Public School purposes at Jerra Jerra, Mitchell's Flat, Harley Hill, and Rhondda.	.....	Mr. Perry .....	1903. 10 September .....	Not to be printed.	
Report .....	respecting road, Taemas to Brindabella and Diamond Hill .....	.....	Mr. O'Sullivan .....	11 .....	To be printed.	
Report .....	of the completion of the Erskineville stormwater sewer, Main Lane, Albert-street branch.	.....	" .....	11 .....	Not to be printed.	
Report .....	of the completion of the City low-level drainage, eastern side of Darling Harbour, Wharf-street sewer, Kersey-lane sewer, New-street branch, Liverpool-street branch, Harbour-place sub-branch, King-street sewer, Erskine-street branch, Slip-street branch, Gas-lane sewer.	.....	" .....	11 .....	"	
Report .....	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence relating to the proposed Camden Haven Improvement Works.	.....	Mr. McFarlane .....	11 .....	To be printed.	
Amended By-law .....	of the Borough of Bathurst, under the Nuisances Prevention Act, 1897.	.....	Mr. Waddell .....	15 .....	Not to be printed.	
Return .....	respecting revenue received from Agricultural Colleges and Farms for sale of produce, for the year ended 30th June, 1903.	.....	Mr. Kidd .....	15 .....	"	
Report .....	from Parliamentary Standing Committee on Public Works, together with Minutes of Evidence and Plan, relating to the proposed Railway from Tentersfield to Casino.	.....	Mr. McFarlane .....	15 .....	To be printed.	
Report .....	from Parliamentary Standing Committee on Public Works, together with Minutes of Evidence, relating to the proposed Northern Breakwater Entrance to the Clarence River.	.....	" .....	15 .....	"	
Gazette Notices .....	setting forth the mode in which it is proposed to deal with the dedication of certain lands, under the Crown Lands Act of 1884.	.....	Mr. Bennett .....	16 .....	Not to be printed.	
By-laws .....	of the Municipality of Tentersfield, under the Nuisances Prevention Act, 1897.	.....	Mr. Waddell .....	16 .....	"	

No. 1 Committee Room,  
Legislative Assembly,  
17th September, 1903.

J. GILLIES,  
Chairman (pro tem.).



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 12.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to the Papers referred to them since their Report No. 11, dated 17th September, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
By-laws .....	of the Municipal District of Manly .....	.....	Sir John See .....	17 September .....	Not to be printed.	
By-laws .....	of the Municipal District of Manilla .....	.....	" .....	" .....	" .....	
By-laws .....	of the Municipal District of Prospect and Sherwood .....	.....	" .....	" .....	" .....	
Report .....	of the Fire Brigades Board, Sydney, for the year 1902 .....	.....	Mr. Waddell .....	17 .....	To be printed.	
Amended By-laws .....	of the Municipal District of Manilla, under the Nuisances Prevention Act, 1897 .....	.....	" .....	" .....	Not to be printed.	
Papers .....	in connection with the case of ex Tramway Conductor, H. A. Jones .....	.....	Mr. Macdonell .....	17 .....	" .....	
Special Report from Select Committee.	" Alleged evasion of the Arbitration Act." .....	.....	" .....	23 .....	To be printed.	
By-laws .....	of the Borough of Balmain .....	.....	Sir John See .....	23 .....	Not to be printed.	
By-laws .....	of the Borough of East Matland .....	.....	" .....	23 .....	" .....	
By-laws .....	of the Borough of Granville .....	.....	" .....	23 .....	" .....	
Amended Regulation, No. 157A .....	under the Crown Lands Acts .....	.....	Mr. Bennett .....	24 .....	" .....	
Abstract .....	of Crown Lands authorised to be dedicated to public purposes, under the Crown Lands Act of 1884 .....	.....	" .....	24 .....	" .....	
Report .....	of the Forestry Branch of the Department of Lands, for the year 1902 .....	.....	Mr. Waddell .....	24 .....	To be printed.	
Report .....	of the Board of Health, on a second outbreak of plague at Sydney, 1902 .....	.....	" .....	29 .....	" .....	
Report .....	of the Public Service Board, on the Inquiry held into the suspension of Mr. Robert Steel, Assistant Engineer-Surveyor, Department of Navigation, in the matter of the s.s. "Balmain." .....	.....	" .....	29 .....	" .....	
Statement .....	of Balances of Appropriations of the year 1902-3, written off as Savings, on 30th June, 1903. .....	.....	" .....	29 .....	" .....	
Notification .....	of resumption of land, under the Public Works Act, 1900, for erecting an Electric Sub-station at Botany, for Tramway purposes. .....	.....	" .....	29 .....	Not to be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Additional Regulations ..... Abstract..... Statements and Diagrams ..... Schedule ..... Memorandum .....	Nos. 38A and 70A, also additional Forms, Nos. 63 and 64, under the Pastures Protection Act, 1902. of Crown Lands reserved from sale for the Preservation of Water Supply or other Public Purposes, under the Crown Lands Act, 1884. in connection with the Financial Speech, 26th September, 1903..... to the Estimates, for 1903-4 ..... by the Chief Medical Officer of the Government, respecting the Regulations under the Public Service Act, 1902, with regard to the Nursing Staff at the Coast Hospital.	..... ..... ..... ..... .....	Mr. Hayes ..... " ..... Mr. Waddell ..... Sir John See .....	1903. 29 September ..... 29 " ..... 30 " ..... 30 " ..... 30 " .....	Not to be printed. " ..... To be printed. " ..... " .....	

JAMES GORMLY,  
Chairman.

No. 1 Committee Room,  
Legislative Assembly,  
1st October, 1903.

[3d.]

Sydney: William Applegate Gullick, Government Printer.—1903.

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 13.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 12, dated 1st October, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Third Report.....	from Parliamentary Standing Committee on Public Works, together with Minutes of Evidence relating to the proposed Railway from Glen Innes to Inverell.	.....	Mr. McFarlane .....	1903. 1 October.....	To be printed.	
By-law Notification .....	of the Borough of Bexley .....	.....	Sir John See .....	1 " .....	Not to be printed.	
Return to an Order .....	construction of a bridge over the Hawkesbury River at Richmond .....	.....	Mr. O'Sullivan .....	1 " .....	"	
Return .....	" Conduct of Mr. Rogers as Manager Mount Kembla Colliery" .....	.....	Mr. Kidd .....	6 " .....	To be printed.	
Abstract.....	relating to the expenditure in connection with the Installation of Electric Light, etc., in various public buildings in Sydney.	.....	Mr. Perry .....	6 " .....	Not to be printed.	
Abstract.....	of Crown Lands reserved from sale for the Preservation of Water Supply or other Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. Hayes .....	7 " .....	"	
Abstract.....	Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	7 " .....	"	
Abstract.....	Crown Lands authorised to be dedicated to public purposes, under the Crown Lands Act of 1884.	.....	" .....	7 " .....	"	
Gazette Notices.....	setting forth the mode in which it is proposed to deal with the dedication of certain Lands, under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act, 1897.	.....	" .....	7 " .....	"	
Return .....	respecting Residential Properties in the area vested in the Sydney Harbour Trust.	.....	Sir John See .....	7 " .....	To be printed.	
Amended Regulations.....	under the Parliamentary Electorates and Elections Act, 1902. ....	.....	" .....	7 " .....	Not to be printed.	

No. 1 Committee Room,  
Legislative Assembly,  
8th October, 1903.

JAMES GORMLY,  
Chairman.





1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 14.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 13, dated 8th October, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Regulations .....	under the Public Health Act, 1902, in respect of the Sanitary Areas of West Wallsend.	.....	Mr. Waddell .....	1903, 8 October .....	Not to be printed.	
Amended Canal Regulation.....	Under the Prisons Act, 1899 .....	.....	Sir John See .....	8 " .....	" .....	Postponed for further consideration.
Return to an Address .....	"Reservation of Women's Suffrage Acts for Royal Assent" .....	Mr. Carruthers .....	" .....	9 " .....	" .....	
Notification .....	of resumption of land, under the Public Works Act, 1900, for a dam across the Cataract River, in connection with the Sydney Water Supply.	.....	Mr. Perry .....	14 " .....	Not to be printed.	
Rule .....	of the Supreme Court (Matrimonial Causes Jurisdiction) .....	.....	Sir John See .....	14 " .....	" .....	
Correspondence .....	respecting alleged misuse of Government blankets .....	.....	" .....	14 " .....	" .....	
Regulation .....	under the Sydney Harbour Trust Act, 1900 .....	.....	" .....	14 " .....	" .....	
Report .....	on the Fisheries of New South Wales, for the year 1902. (Parts I and II.)	.....	" .....	14 " .....	" .....	Postponed for further consideration.

No. 1 Committee Room,  
Legislative Assembly,  
14th October, 1903.

JAMES GORMLY,  
Chairman.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES

No. 15.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 14, dated 14th October, 1903, as follows :—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return to an Address Report .....	"Reservation of Women's Suffrage Acts for Royal Assent" .....	Mr. Carruthers .....	Sir John See .....	1903, 9 October .....	To be printed.	Postponed for further consideration.
Proclamation .....	on the Fisheries of New South Wales, for the year 1902. (Parts I and II.) .....	.....	" .....	14 " .....	.....	
Regulations and Forms By-laws .....	issued under section 144 of the Stock Act, 1901, suspending the provisions of section 155 of that Act, and any Regulation issued thereunder, relative to the quarantining of Stock from any of the Australian States. .....	.....	Mr. Kidd .....	15 " .....	Not to be printed.	
Memorandum .....	under the Advances to Settlers Acts .....	.....	Mr. Waddell .....	15 " .....	" .....	
Return to an Order By-laws .....	of the Municipal District of Inverell, under the Nuisances Prevention Act, 1897, and the Public Health (Night-soil Removal) Act, 1902, respecting the Duties of Judges' Associates and Tipstiffs. .....	.....	" .....	20 " .....	" .....	
By-laws .....	"Roads Vote, Electorate of Raleigh" .....	.....	Sir John See .....	20 " .....	" .....	
By-laws .....	of the Borough of Burwood .....	.....	" .....	20 " .....	" .....	
By-laws .....	of the Borough of Ashfield .....	.....	" .....	20 " .....	" .....	
By-laws .....	of the Municipal District of Hamilton .....	.....	" .....	20 " .....	" .....	
By-laws .....	of the Borough of Auburn .....	.....	" .....	20 " .....	" .....	
By-laws .....	of the Borough of Leichhardt .....	.....	" .....	20 " .....	" .....	
By-law .....	of the Borough of Wagga Wagga .....	.....	" .....	20 " .....	" .....	

JAMES GORMLY,  
Chairman.

No. 1 Committee Room,  
Legislative Assembly,  
22nd October, 1903.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 16.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 15, dated 22nd October, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report .....	on the Fisheries of New South Wales, for the year 1902. (Parts I and II.)	.....	Sir John See .....	1903. 14 October .....	.....	Postponed for further consideration.
Papers .....	in connection with the sale of Crown Lands at Quirindi .....	.....	Mr. Crick.....	27 .....	.....	"
Regulations .....	under the Public Service Act, 1902 .....	.....	Mr. Perry .....	27 .....	Not to be printed.	
Report .....	of the Railway Commissioners on Railways and Tramways, for quarter ended 30th June, 1903.	.....	Mr. Waddell .....	27 .....	To be printed.	
Abstract .....	of Crown Lands reserved from sale for the Preservation of Water Supply or other Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. Hayes .....	28 .....	Not to be printed.	
Abstract.....	of sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	28 .....	"	
Abstract.....	of alteration of designs of Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	28 .....	"	
Abstract .....	of Crown Lands authorised to be dedicated to Public Purposes, under the Crown Lands Act of 1884.	.....	" .....	28 .....	"	
Gazette Notices .....	setting forth the mode in which it is proposed to deal with the dedication of certain lands under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act of 1897.	.....	" .....	28 .....	"	
Abstract.....	of Crown Lands authorised to be dedicated to Religious Purposes, under the Crown Lands Alienation Act of 1861.	.....	" .....	28 .....	"	

No. 1 Committee Room,  
Legislative Assembly,  
29th October, 1903.

JAMES GORMLY,  
Chairman.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 17.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 16, dated 29th October, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report .....	on the Fisheries of New South Wales, for the year 1902. (Parts I and II.)	.....	Sir John See .....	1903. 14 October .....	.....	Postponed for further consideration.
Papers .....	in connection with the sale of Crown Lands at Quirindi .....	.....	Mr. Crick .....	27 .....	.....	"
By-laws .....	of the Borough of Paddington .....	.....	Sir John See .....	29 .....	Not to be printed.	
Regulations .....	for obtaining the Diploma in Dental Surgery .....	.....	" .....	29 .....	"	
Information .....	respecting Colonial Wine Licences held within the Borough of Parramatta.	.....	" .....	29 .....	"	
Report .....	of the Royal Commission appointed to inquire into certain charges made in the Legislative Assembly regarding the manner and method of treatment of inmates of the Government Asylums at Rookwood and Newington.	.....	Mr. Fegan .....	29 .....	To be printed .....	Summons forms to be omitted.
Report .....	of the Hunter District Water Supply and Sewerage Board for the year ended 30th June, 1903.	.....	Mr O'Sullivan .....	3 November .....	"	
Amended Regulation No. 259 .....	under the Crown Lands Acts .....	.....	Mr. Hayes .....	3 .....	Not to be printed.	
Twentieth Annual Report .....	under the Inscrubed Stock Act of 1883 .....	.....	Mr. Waddell .....	4 .....	To be printed.	
Papers .....	relating to the Leasing of Accommodation for the staff of the Bankruptcy Court in the Citizens' Chambers.	.....	" .....	4 .....	.....	Postponed for further consideration.
Notification .....	of resumption of land, under the Public Works Act, 1900, for extending the Railway Station yard at Katoomba.	.....	" .....	4 .....	Not to be printed.	
Return .....	showing the expenditure in connection with the Central Railway Station to 31st October, 1903.	.....	Mr O'Sullivan .....	4 .....	To be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Public Recreation Ground at Pitt Town.	.....	Mr. Hayes .....	4 .....	Not to be printed.	
Abstract .....	of Crown Lands authorised to be dedicated to public purposes under the Crown Lands Act of 1884.	.....	" .....	4 .....	"	
Gazette Notices .....	setting forth the mode in which it is proposed to deal with the dedication of certain lands, under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act, 1897.	.....	" .....	4 .....	"	

No. 1 Committee Room,  
Legislative Assembly,  
5th November, 1903.

JAMES GORMLY,  
Chairman.





1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 18.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 17, dated 5th November, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Report .....	on the Fisheries of New South Wales, for the year 1902. (Parts I and II.)	.....	Sir John See .....	14 October .....	To be printed .....	At a cost not exceeding £125.
Papers .....	in connection with the sale of Crown lands at Quirindi.....	.....	Mr. Crick .....	27 " .....	Not to be printed.	
Papers .....	relating to the leasing of accommodation for the Staff of the Bankruptcy Court in the Citizens' Chambers.	.....	Mr. Waddell .....	4 November .....	"	
Report .....	of the Inspector of Collieries with regard to the Method of Payment to Miners at Polaw Main Colliery.	.....	Mr. Kidd .....	5 " .....	"	
Promotions .....	in the Metropolitan Division of the Police Force since 30th June, 1903.	.....	Sir John See .....	10 " .....	To be printed.	
Return .....	respecting the distribution of Special Grants to Hospitals for the year 1902-3.	.....	" .....	10 " .....	"	
Correspondence .....	respecting Postage on Newspapers .....	.....	" .....	10 " .....	"	
Police Report .....	respecting the death of a Railway passenger at Molong .....	.....	" .....	10 " .....	Not to be printed.	
By-laws .....	of the Municipal District of Campbelltown .....	.....	" .....	10 " .....	"	
Abstract .....	of Crown lands reserved from Sale for the preservation of Water Supply or other Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. Hayes .....	11 " .....	"	
Third and Final Report .....	of the Royal Commission on the Sydney Water Supply, together with Minutes of Evidence, Plans, &c.	.....	Sir John See .....	11 " .....	To be printed.	

No. 1 Committee Room,  
Legislative Assembly,  
12th November, 1903.

JAMES GORMLY,  
Chairman.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 19.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 18, dated 12th November, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
By-laws .....	of the Municipal District of Murwillumbah, under the Nuisances Prevention Act, 1897.	.....	Mr. Waddell .....	1903. 12 November .....	Not to be printed.	
Notification .....	of appropriation of land, under the Public Works Act, 1900, for the improvement of the railway traffic at Armadree.	.....	" .....	12 " .....	"	
Notification .....	of appropriation of land, under the Public Works Act, 1900, for the extension of the railway station yard at Jennings.	.....	" .....	12 " .....	"	
Proclamation .....	under the Stock Act, 1901, prohibiting the introduction of swine from Queensland.	.....	Mr. Kidd .....	17 " .....	"	
Proclamation .....	under the Stock Act, 1901, prohibiting the introduction of swine from New Zealand.	.....	" .....	17 " .....	"	
Amended Regulation .....	No. 27, under the Public Roads Act .....	.....	Mr. Bennett .....	17 " .....	"	
Additional Regulations .....	Nos. 340 and 341, and Amended Regulation No. 327; also Notification of Cancellation of Regulations Nos. 180, 207, and 238, under the Crown Lands Acts.	.....	" .....	17 " .....	"	
By-laws .....	of the Borough of Alexandria .....	.....	Sir John See .....	17 " .....	"	
By-laws .....	of the Borough of Paramatta .....	.....	" .....	17 " .....	"	
By-laws .....	of the Borough of Mosman .....	.....	" .....	17 " .....	"	
By-laws .....	of the Municipal District of Concord .....	.....	" .....	17 " .....	"	
Return .....	respecting punishment imposed upon seamen at Newcastle, for being absent without leave.	.....	" .....	17 " .....	"	
Return to an Order .....	" Scale of Allowances to Witnesses at Criminal Trials" .....	.....	Mr. Levison .....	17 " .....	"	
Report .....	of the Royal Commission of Inquiry into the dismissal of Joseph Lowe from the position of Fireman at the Seaham Colliery, together with Minutes of Evidence and Exhibits.	.....	" .....	17 " .....	To be printed.	

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Return .....	respecting revenue received from Agricultural Colleges and Farms for sale of produce, for the year ended 30th June, 1903.	.....	Mr. Kidd .....	15 September .....	To be printed.	Reported on on 17 Sept., 1903, referred back to Committee for reconsideration, 17 Nov., 1903.
Report .....	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence relating to the proposed Railway from Lockhart to Clear Hills.	.....	Mr. McFarlane .....	17 November .....	"	
Report .....	from the Parliamentary Standing Committee on Public Works, together with Minutes of Evidence and Plan relating to the proposed Tramway from East to West Maitland, &c.	.....	" .....	17 " .....	"	
Abstract .....	of Crown lands authorised to be dedicated to Public Purposes under the Crown Lands Act of 1884.	.....	Mr. Crick .....	18 " .....	Not to be printed.	
Gazette Notices .....	setting forth the mode in which it is proposed to deal with the dedication of certain lands under the Crown Lands Acts of 1884 and 1889, and the Public Trusts Act, 1897.	.....	" .....	18 " .....	"	
Report .....	of the Sydney Harbour Trust Commissioners for the year 1902-3.	.....	Sir John See .....	18 " .....	To be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1900, for the Supply of Water to the Town of Casino.	.....	Mr. O'Sullivan .....	18 " .....	Not to be printed.	
Notification .....	of resumption of land, under the Public Works Act, 1900, for a Wharf on the Colo River.	.....	" .....	18 " .....	"	
Report .....	of the Metropolitan Board of Water Supply and Sewerage for the Year 1902-3.	.....	" .....	18 " .....	To be printed.	

No. 1 Committee Room,  
 Legislative Assembly,  
 19th November, 1903.

JAMES GORMLY,  
 Chairman.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

No. 20.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, a.m., Votes No. 8, Entry 12, have agreed to report to your Honourable House in relation to the Papers referred to the Papers referred to them since their Report No. 19, dated 19th November, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Plans .....	in connection with Report of the Metropolitan Board of Water Supply and Sewerage for the year 1902-3.	.....	Mr. O'Sullivan .....	1903. 18 November .....	That the Plans are not properly before the Committee, the Report having been dealt with at the previous meeting.	Not submitted with the Report at the last meeting of the Committee.
Report By-laws .....	of the Department of Lands for the year 1902..... of the Municipal District of Coonamble, under the Nuisances Prevention Act, 1897, and the Public Health (Night-soil Removal) Act, 1902.	.....	Mr. Crick..... Mr. Waddell .....	19 19 .....	To be printed..... Not to be printed.	Together with plans.
Notification .....	of appropriation of land, under the Public Works Act, 1900, for Railway Purposes at Tarrion.	.....	" .....	24 .....	" .....	" .....
Statement .....	of Bank Liabilities and Assets for quarter ended 30th September, 1903	.....	" .....	24 .....	" .....	" .....
Statement .....	of Public Companies' Liabilities and Assets for quarter ended 30th September, 1903.	.....	" .....	24 .....	" .....	" .....
Notification .....	of resumption of land, under the Public Works Act, 1900, for extension of Hopetoun-avenue, Vaucluse.	.....	Mr. O'Sullivan .....	24 .....	" .....	" .....
Regulations and Forms By-laws Report .....	under the Water and Drainage Act, 1902..... of the Borough of Woolahra .....	.....	Sir John See .....	24 .....	" .....	" .....
Abstract .....	tenders submitted in connection with the proposed Bridge over Sydney Harbour to connect Sydney with North Sydney. of Crown Lands reserved from sale for the Preservation of Water Supply or other Public Purposes, under the Crown Lands Act of 1884.	.....	Mr. O'Sullivan .....	25 .....	To be printed.	Together with plans.
Abstract .....	of Sites for Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	Mr. Crick.....	25 .....	Not to be printed.	" .....
Abstract .....	of Alterations of Designs of Cities, Towns, and Villages, under the Crown Lands Act of 1884.	.....	" .....	25 .....	" .....	" .....
Public Service List .....	for the year 1903 .....	.....	Sir John See .....	25 .....	To be printed.	" .....

JAMES GORMLY,  
Chairman.

No. 1 Committee Room,  
Legislative Assembly,  
26th November, 1903.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 21.

REPORT FROM PRINTING COMMITTEE.

THE PRINTING COMMITTEE of the Legislative Assembly, appointed under the Sessional Order of 2nd July, 1903, A.M., Votes No. 8, Entry 12, have agreed to report to your Honorable House in relation to the Papers referred to them since their Report No. 20, dated 26th November, 1903, as follows:—

Description of Paper.	Subject of Paper.	By whom Moved for.	By whom laid upon Table.	When laid upon Table.	Recommended by the Committee.	Remarks.
Plans .....	in connection with Report of Metropolitan Board of Water Supply and Sewerage for 1902-3.	.....	Mr. O'Sullivan .....	1903. 18 November .....	To be printed.....	Referred back to Committee for reconsideration, 26 Nov., 1903.
Return .....	showing Estates offered for Closer Settlement under the Closer Settlement Act, 1901.	.....	Mr. Crick .....	26 .....	" .....	
Amended Regulations .....	Nos. 59 and 60, under the Crown Lands Acts .....	.....	Mr. Kidd .....	26 .....	Not to be printed. To be printed.	
Particulars .....	respecting the manufacture of Butter at the Hawkesbury Agricultural College.	.....	Mr. Waddell .....	26 .....	Not to be printed.	
By-laws .....	for the Borough of Waverley, under the Public Health Act, 1902, and the Public Health (Nightsoil Removal) Act, 1902.	.....	" .....	26 .....	" .....	
By-laws .....	of the Municipal District of Liverpool, under the Nuisances Prevention Act, 1897.	.....	" .....	26 .....	" .....	
By-law .....	of the Borough of Goulburn, under the Public Health (Nightsoil Removal) Act, 1902.	.....	" .....	26 .....	" .....	
Amended Regulations and Requisition Forms.	under the Stamp Duties Act, 1898 .....	.....	" .....	26 .....	" .....	
Amended Regulations .....	under the Fisheries Act, 1902 .....	.....	Sir John See .....	26 .....	" .....	
By-laws .....	of the Borough of Wagga Wagga .....	.....	" .....	26 .....	" .....	
Notifications .....	of resumption of land, under the Public Works Act, 1900, for Public School purposes at Tullyfrone, Tyringham, Oak Park, Old Jeremiah Creek, Warner, Kinilbah, and Upper Manilla.	.....	Mr. Perry .....	26 .....	" .....	

Reading Room, near  
Legislative Assembly Chamber,  
26th November, 1903.

JAMES GOEMLY,  
Chairman.





1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATOR OF THE GOVERNMENT OF NEW  
SOUTH WALES.

(DORMANT COMMISSION APPOINTING.)

Presented to Parliament by Command.

*Printed under No. 1 Report from Printing Committee, 9 July, 1903.*

## NEW SOUTH WALES.

DORMANT Commission passed under the Royal Sign Manual and Signet, appointing the Chief Justice or the Senior Judge for the time being of the Supreme Court of New South Wales to Administer the Government of the State of New South Wales and its Dependencies, in the Commonwealth of Australia, in the event of the Death, Incapacity, or Absence of the Governor and Lieutenant Governor (if any),

EDWARD R. &amp; I.

EDWARD the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To Our Trusty and Well-beloved the Chief Justice or the Senior Judge for the time being of the Supreme Court of New South Wales: Greeting.

*Dated 2nd February, 1903.*

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-ninth day of October, 1900, Her late Majesty Queen Victoria did constitute, order, and declare that there should be a Governor in and over Our State of New South Wales and its Dependencies, in the Commonwealth of Australia, and did authorise, empower, and command the said Governor to do and execute all things belonging to his said office as therein is more particularly set forth: And whereas by the said Letters Patents it was further declared that, in the event of the death, incapacity, or removal of the said Governor or of his departure from the State, the Lieutenant-Governor, or if there should be no such Officer in our said State, then such person or persons as might be appointed under the Royal Sign Manual and Signet, should administer the Government of the same. And whereas by a Commission under the Royal Sign Manual and Signet, bearing date the twenty-ninth day of October, 1900, Her late Majesty Queen Victoria did constitute and appoint Our Trusty and Well-beloved Sir Frederick Matthew Darley, Knight Commander (now Knight Grand Cross) of Our Most Distinguished Order of Saint Michael and Saint George, to be Lieutenant-Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia, with certain powers therein set forth: And whereas by a Commission under the Royal Sign Manual and Signet, likewise bearing date the twenty-ninth day of October, 1900, Her late Majesty Queen Victoria did appoint the President of the Legislative Council for the time being of the said State to administer the Government thereof in the events therein specified: And whereas it is expedient to make further and other provision for administering the Government of Our said State, in case the said Governor and Lieutenant-Governor should at the same time be absent from the said State, or be otherwise incapable of administering the Government thereof;

Recites Letters Patent constituting the office of Governor.

and providing for the Succession to the Government.

Recites Commission appointing Sir F. M. Darley to be Lieutenant-Governor.

Recites Commission appointing the President of the Legislative Council for the time being to Administer the Government in the absence of the Governor and Lieutenant-Governor

The Chief Justice to Administer the Government in the absence of the Governor and Lieutenant-Governor.

Senior Judge to administer the Government in the absence of the Chief Justice for the time being.

Power and authorities to be exercised according to Instructions and Laws.

Cessation of administration by the Chief Justice or the Senior Judge.

Commission of 29th October, 1900, appointing the President of the Legislative Council to administer the Government superseded.

Officers and others to obey the Administrator.

Now know you that We do by this Our Commission, under Our Sign Manual and Signet, appoint you the Chief Justice for the time being of Our said State, until Our further pleasure shall be signified, to administer the Government of Our said State and its Dependencies in case of the death, incapacity, or removal, or of the departure from the State, of the said Governor, as well as of the Lieutenant-Governor (if any), with all and singular the powers and authorities granted by the said Letters Patent or by any other Letters Patent adding to, amending, or substituted for the same; and in the said event and in case of the death, incapacity, or departure from Our said State of the said Chief Justice for the time being, then We do appoint you the Senior Judge for the time being of the Supreme Court of Our said State, then residing therein, and not being under incapacity, to administer the Government thereof, with all the powers and authorities aforesaid. And We do hereby authorise and require you, the said Chief Justice or the said Senior Judge for the time being, as the case may be, to exercise and perform the said powers and authorities according to such Orders and instructions as the Governor or the Lieutenant-Governor of Our said State hath already received, or may hereafter receive from Us under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, and according to such laws as are now or shall hereafter be in force in Our said State.

Provided always that you, the said Chief Justice, or you, the said Senior Judge, as the case may require, shall act in the administration of the Government only when and so often as the Governor, or some other officer holding a commission to administer the Government in priority to you, shall be absent from the State and not capable of administering the Government.

II. And further We do hereby appoint that this Our present Commission shall supersede the Commission under the Sign Manual and Signet of Her late Majesty Queen Victoria, dated the twenty-ninth day of October, 1900, appointing the President of the Legislative Council for the time being of the State of New South Wales to administer the Government thereof in the event therein specified.

III. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said State, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court at St. James's this Second day of February, 1903, in the Third Year of Our Reign.

By His Majesty's Command,  
A. AKERS DOUGLAS.

DORMANT COMMISSION appointing  
The CHIEF JUSTICE or the SENIOR JUDGE  
for the time being to Administer the Government  
of NEW SOUTH WALES.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

RESERVATION OF WOMEN'S SUFFRAGE ACTS FOR  
ROYAL ASSENT.

(PAPERS RESPECTING.)

*Printed under No. 15 Report from Printing Committee, 22 October, 1903.*

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated the 13th August, 1903, That His Excellency will be pleased to cause to be laid upon the Table of this House,—

“All papers and documents relating to the reservation of the Women’s Suffrage Acts for the Royal Assent.”

(*Mr. Carruthers.*)

The Private Secretary to His Excellency the Governor of New South Wales to The Honorable the Attorney-General.

Sir,

State Government House, Sydney, 20 August, 1902.

I have the honor, by direction of His Excellency the Governor, to transmit to you the accompanying copy of a Bill passed by the Legislative Council and the Legislative Assembly, and presented to His Excellency for the Royal Assent, intituled “A Bill to extend the Parliamentary Franchise to Women, and for purposes consequent on or incidental to that object,” and to request that you will carefully peruse this Measure, with a view of ascertaining whether, in your opinion, there is any objection to His Excellency the Governor giving his assent to it, or whether he is required, under the provisions of the Constitution or any other Acts or Royal instructions, to withhold his assent to the Bill, or to reserve it for the signification of His Majesty’s pleasure.

I have, &c.,

H. W. L. HOLMAN,  
Acting Private Secretary.

The Honorable the Attorney-General to The Private Secretary to His Excellency the Governor of New South Wales.

Sir,

Department of the Attorney-General and of Justice, Sydney, 21 August, 1902.

I have the honor to acknowledge the receipt of your letter of the 20th instant, transmitting to me, by command of His Excellency the Governor, the accompanying copy of a Bill passed by the Legislative Council and Legislative Assembly, and presented to His Excellency for the Royal Assent, intituled “A Bill to extend the Parliamentary Franchise to Women, and for purposes consequent on or incidental to that object,” and requesting that I will carefully peruse this Bill, with a view of ascertaining whether, in my opinion, there is any objection to His Excellency the Governor giving his assent to it, or whether he is required under the provisions of the Constitution, or any other Acts or Royal instructions, to withhold his assent to the Bill, or to reserve it for the signification of His Majesty’s pleasure.

2. In reply, I have the honor to report that, in my opinion, there is no objection to His Excellency the Governor giving his assent to this Bill, and that His Excellency is not required, under the provisions of the Constitution or any other Acts or Royal instructions to withhold his assent to it, or to reserve it for the signification of His Majesty’s pleasure.

I have, &c.,

B. R. WISE,  
Attorney-General.

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

Sir, State Government House, Sydney, 1 September, 1902.  
I have the honor to transmit to you, herewith, an Act of the Legislature of this State, to which I have assented in the name and on the behalf of His Majesty, intituled:—  
1902, No. 54. "An Act to extend the Parliamentary Franchise to Women, and for purposes consequent on or incidental to that object."  
2. I also transmit to you, herewith, the opinion which I obtained from the Crown Law Officer before assenting to this measure, together with copies of the Act for distribution.  
3. I trust that it may not be found necessary to advise His Majesty to exercise his power of disallowance with respect to this measure.

I have, &c.,  
HARRY H. RAWSON,  
Governor.

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

24 November, 1902.

YOUR despatch, No. 105. Law officers advise that Act No. 54 should have been reserved under section 32, 13 and 14 Victoria, chapter 59, in view of terms of section 23, Act No. 38 of 1893. I shall lay Bill before both Houses of Parliament for thirty days, and assent of His Majesty will then be signified by Order-in-Council as soon as possible. Your Government should pass Reserve Bill to validate Act, and any action under it.

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

24 December, 1902.

OWING to advise that Women's Franchise Act, No. 54 of 1902, should have been reserved, law officers here are doubtful whether an amending Parliamentary Elections Bill should not also be reserved as concerning elections under section 32 of 13 and 14 Victoria, chapter 59. Bill deals with collection of names of women, their enrolment by a Revision Court, and subsequent issue of electors' rights, also slightly amends Electoral Act in general provisions. Matter is urgent. May Royal Assent be given?

Minute from His Excellency the Governor of New South Wales to The Honorable the Premier and Chief Secretary.

State Government House, Sydney, 25 November, 1902.

THE Governor lays before the Honorable the Premier, for his information, and with a view to the requisite action being taken in the matter, the subjoined copy of a telegraphic despatch which has this day been received from the Right Honorable the Secretary of State for the Colonies:—

"Your despatch No. 105. Law Officers advise that Act No. 54 should have been reserved under section 32, 13 and 14 Victoria, chapter 59, in view of terms of section 23, Act No. 38 of 1893. I shall lay Bill before both Houses of Parliament for thirty days, and assent of His Majesty will then be signified by Order-in-Council as soon as possible. Your Government should pass Reserve Bill to validate Act and any action under it."

The Governor desires to state with regard to the above telegram, that Act No. 54 of 1902 extends the Parliamentary franchise to women; and as the Crown Law Officer reported there was no objection, in his opinion, to my assenting to the Bill, I accordingly, in the name and on behalf of His Majesty, assented to the Act on the 27th August last.

HARRY H. RAWSON,  
Governor.

Minute from the Solicitor-General to The Honorable the Attorney-General.

Solicitor-General's Chambers, Sydney, 13 December, 1902.

Subject:—Women's Franchise Act, 1902.

THE action taken by the Colonial Office in treating the Women's Franchise Act (No. 54, 1902) as a Bill which should have been reserved by His Excellency the Governor for the signification of His Majesty's pleasure, raises the whole question of the reservation of Bills relating to the Legislative Assembly.

This action of the Colonial Office has added to the confusion which in this State surrounds the question, as Bills dealing only with the extension of the franchise have never hitherto been considered by the Colonial Office to be amongst those which should be reserved.

I take this opportunity to shortly state what the law has been upon restriction of legislation.

1. The powers of the first Council in New South Wales, established under the provisions of 9 Geo. IV, c. 83, do not bear in any way upon the question under consideration.

2. In 1842 the Act 5 and 6 Vic., c. 76, was passed. This Act provides for the establishment of a Legislative Council consisting of thirty-six members, twelve of whom were to be nominated by the Crown, the remainder to be elected by certain qualified persons.

Section 31 of this Act requires that the following Bills shall be reserved:—

- (a) Altering or affecting the divisions and extent of the several districts and towns which shall be represented in the Legislative Council.
- (b) Establishing new or other divisions of the same.
- (c) Altering the number of the members to be chosen by the districts or towns.

(d)

- (d) Increasing the whole number of the Legislative Council.
- (e) Altering the salary of the Governor, Superintendent, or Judges.
- (f) Altering or affecting Duty of Customs.

The last requirement (f) was repealed by section 1 of 29 and 30 Vic., c. 74, and that relating to the salary of the Judges by section 13 of 13 & 14 Vic., c. 59.

Bills now required to be reserved under this Act fall into two classes:—

- (x) Bills dealing with the Constitution of the Legislative Council.
- (z) Bills altering the salary of the Governor.

In 1850 the Constitution of the Legislative Council was altered in certain particulars by 13 & 14 Vic., c. 59; no definite limit was placed upon the number of the members, but one-third of the number were to be nominated by the Crown.

Section 32 of this Act requires the following Bills to be reserved in addition to those mentioned in the Act of 1842:—

- (g) Bills dealing with the election of the elective members of the Legislative Council.
- (h) Those concerning the qualification of electors and elective members.
- (i) Bills establishing a Council and House of Representatives, or other separate Legislative Houses.
- (j) Conferring on such Legislative Houses the powers and functions of the Legislative Council.

All such Bills have to be laid before both Houses of Parliament for thirty days before receiving the Royal assent.

No question can now arise as to either (i) or (j), as the power to pass such Bills has terminated.

Under the powers conferred by this last-mentioned Act, a Legislative Council and Legislative Assembly were established under the provisions of 18 & 19 Vic., c. 54, section 3 of which enacts that the provisions of the Acts of 1842 and 1850,

“which relate to the giving and withholding of Her Majesty’s assent to Bills, and the reservations of Bills for the signification of Her Majesty’s pleasure thereon. . . . shall apply to Bills to be passed by the Legislative Council and Assembly. . . .”

The whole of the difficulties connected with the reservation of these Bills turn upon the construction to be placed upon this section.

It is contended on the one hand, though the Acts of 1842 and 1850 relate only to Bills affecting the “Legislative Council,” that section 3 of the Act of 1855 extends these provisions by implication to Bills which relate solely to the “Legislative Assembly.”

The other construction is that the requirements of section 3 of the 1855 Act are satisfied by confining its provisions to the Bills actually described in the Acts of 1842 and 1850, viz., those relating solely to the “Legislative Council.”

Of these two constructions, I think the latter is the more correct, it possesses certain advantages which always influence the construction of doubtful Acts of Parliament.

1. Every word of the section is given its full effect, no word of that or of either of the prior Acts, is strained or given a meaning which could not be given to it previously.
2. Parliament could, by the insertion of a few words, have clearly extended the provisions to Bills relating to the Legislative Assembly, but they refrained from doing so.
3. The object of the reservation of Bills of this kind is to protect the rights of the Crown. While there was only one Legislative Chamber, of which the members were in part elected, and in part nominated, any alteration of the franchise, the qualification of members, or the extent of the divisions for which they were returned, might materially affect the position of the Crown in the Chamber. Upon the institution of a Legislative Body of two Chambers, one of which was wholly elective, and the other entirely nominated by the Crown, the principle of safeguarding the rights of the Crown is satisfied by confining the reservation to Bills which solely refer to the Chamber where the Crown rights are in existence. There is no necessity to extend the principle to that Chamber where the rights of the Crown can not be affected by any change in its composition due to legislation of the nature referred to.

Any change of this nature in the Legislative Council would be an interference with the prerogative, and is, most properly, a subject upon which the pleasure of His Majesty should be obtained. But similar changes in the composition of the Assembly would not affect the prerogative.

4. This view of the law was taken by the Colonial Office up to 1894, upon which date the General Validating Act 55 and 56 Vic., c. 72, was passed, doubts being entertained as to whether the New South Wales Parliamentary Electorates and Elections Act, 1893 (56 Vic. No. 56) should not have been reserved. No question had been raised on this point in either 1858 or 1880 when similar Acts were passed.

The contrary view, as stated above, was first taken in 1894, but this interpretation has been expressed with doubt (*See* “Jenkins’ British Rule and Jurisdiction beyond the Seas,” p. 281), and the practice of the Colonial Office has, with one exception in 1901, been uniformly consistent with the other construction.

Acts extending the franchise have been passed in 1894 (57 Vic. No. 24) and in 1896 (60 Vic. No. 24 and 60 Vic. No. 25). None of these Bills were reserved, and no question has ever been raised in this connection.

It is quite possible that the Colonial Office may now consider that the Acts passed in 1898 (No. 2) 1900 (No. 61), and 1900 (No. 39), should also have been reserved, if they may be held to fall under Class G as “Dealing with the Elections of Elective Members,” yet no suggestion has ever been made that they should have been reserved for the Royal assent.

It is supposed it was because the Colonial Office thought that the Act No. 84 of 1900 was included in Class A that the Act was validated by the Colonial Acts Confirmation Act of 1901, an action which caused considerable surprise in this State, for Act No. 84 of 1900 merely enacted that the readjustment of the boundaries of the various electorates should take place in 1900 instead of the latter part of 1901, as provided by section 13 of the Parliamentary Electorates and Elections Act of 1893.

From

From the above remarks it will be seen that it would be a great advantage to have some definite instructions from the Colonial Office, so that a consistent action can be followed in this State.

It appears to me that the late action of the Colonial Office really means that all Bills dealing in any way with the Legislative Assembly must be reserved; and, though this would lead to great inconvenience, it would be better to have the question finally settled than to continue the present uncertainty.

HUGH POLLOCK,  
Solicitor-General.

I concur. Make a copy of this for me, and forward one to the Prime Minister with a request that, in pursuance of the Governor's wish in that behalf expressed verbally to me, it may be forwarded to the Colonial Office.—B.R.W., 15/12/02.

### The Solicitor-General to The Honorable the Premier and Chief Secretary.

Department of the Attorney-General and of Justice,  
Sydney, 22 December, 1902.

Sir,

I have the honor to forward to you, at the request of the Attorney-General, the accompanying copy of a minute written by me in connection with the question of the reservation of the Women's Franchise Act, 1902, by His Excellency the Governor for the signification of His Majesty's pleasure, in which the Attorney-General concurs, and to request that His Excellency may be asked to forward the minute to the Colonial Office in pursuance of the wish expressed verbally to him by the Attorney-General.

I have, &c.,  
HUGH POLLOCK,  
Solicitor-General.

His Excellency the Governor.—J.S., 23/12/1902.

The Honorable the Premier,—I have this day forwarded to the Right Honorable the Secretary of State for the Colonies the minute from the Solicitor-General which accompanied this paper.—HARRY H. RAWSON, Governor, 29/12/1902.

The Under Secretary to the Attorney-General and the Department of Justice.—C.W., P.U.S., B.C., 31/12/1902.

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

28 December, 1902.

REFERRING to your telegram of 24 December, Parliamentary Elections Bill should be reserved.

### His Excellency the Governor of New South Wales to The Honorable the Secretary of State for the Colonies.

Sir,

State Government House, Sydney, 29 December, 1902.

I have the honor, at the instance of my Ministers, to transmit, for your consideration, the accompanying copy of a minute by the Solicitor-General of New South Wales, with reference to the question of the reservation of the Women's Franchise Act, 1902, for the signification of His Majesty's pleasure.

I have, &c.,  
HARRY H. RAWSON,  
Governor.

Solicitor-General's Chambers, Sydney, 13 December, 1902.

#### MINUTE PAPER.

*Subject* :—Women's Franchise Act, 1902.

THE action taken by the Colonial Office in treating the Women's Franchise Act (No. 54, 1902), as a Bill which should have been reserved by His Excellency the Governor for the signification of His Majesty's pleasure raises the whole question of the reservation of Bills relating to the Legislative Assembly.

This action of the Colonial Office has added to the confusion which in this State surrounds the question, as Bills dealing only with the extension of the franchise, have never hitherto been considered by the Colonial Office to be amongst those which should be reserved.

I take this opportunity to shortly state what the law has been upon restriction of legislation:—

1. The powers of the first Council in New South Wales, established under the provisions of 9 George IV, c. 83, do not bear in any way upon the question under consideration.

2. In 1842 the Act 5 and 6 Victoria, c. 76, was passed; this Act provides for the establishment of a Legislative Council consisting of thirty-six members, twelve of whom were to be nominated by the Crown, the remainder to be elected by certain qualified persons.

Section 31 of this Act requires that the following Bills shall be reserved:—

- (a) Altering or affecting the divisions and extent of the several districts and towns which shall be represented in the Legislative Council.
- (b) Establishing new or other divisions of the same.
- (c) Altering the number of the members to be chosen by the districts or towns.
- (d) Increasing the whole number of the Legislative Council.
- (e) Altering the salary of the Governor, Superintendent, or Judges.
- (f) Altering or affecting duty of Customs.

The last requirement (f) was repealed by section 1 of 29 and 30 Victoria, c. 74, and that relating to the salary of the Judges by section 13 of 13 and 14 Victoria, c. 59. Bills

Bills now required to be reserved under this Act fall into two classes :—

- (x) Bills dealing with the Constitution of the Legislative Council.
- (z) Bills altering the salary of the Governor.

In 1850 the Constitution of the Legislative Council was altered in certain particulars by 13 and 14 Victoria, c. 59. No definite limit was placed upon the number of the members, but one-third of the number were to be nominated by the Crown.

Section 32 of this Act requires the following Bills to be reserved, in addition to those mentioned in the Act of 1842 :—

- (g) Bills dealing with the election of the elective members of the Legislative Council.
- (h) Those concerning the qualification of electors and elective members.
- (i) Bills establishing a Council and House of Representatives or other separate Legislative Houses.
- (j) Conferring on such Legislative Houses the powers and functions of the Legislative Council.

All such Bills have to be laid before both Houses of Parliament for thirty days before receiving the Royal Assent.

No question can now arise as to either (i) or (j), as the power to pass such Bills has terminated.

Under the powers conferred by this last-mentioned Act, a Legislative Council and a Legislative Assembly were established under the provisions of 18 and 19 Victoria, c. 54, section 3, of which enacts that the provisions of the Acts of 1842 and 1850—

“which relate to the giving and withholding of Her Majesty’s assent to Bills, and the reservation of Bills for the signification of Her Majesty’s pleasure thereon . . . shall apply to Bills to be passed by the Legislative Council and Assembly . . .”

The whole of the difficulties connected with the reservation of these Bills turn upon the construction which is to be placed upon this section.

It is contended, on the one hand, though the Acts of 1842 and 1850 relate only to Bills affecting the “Legislative Council,” that section 3 of the Act of 1855 extends these provisions by implication to Bills which relate solely to the “Legislative Assembly.”

The other construction is, that the requirements of section 3 of the 1855 Act are satisfied by confining its provisions to the Bills actually described in the Acts of 1842 and 1850, viz., those relating solely to the “Legislative Council.”

Of these two constructions, I think the latter is the more correct; it possesses certain advantages which always influence the construction of doubtful Acts of Parliament.

1. Every word of the section is given its full effect; no word of that, or of either of the prior Acts, is strained or given a meaning which could not be given to it previously.
2. Parliament could, by the insertion of a few words, have clearly extended the provisions to Bills relating to the Legislative Assembly, but they refrained from doing so.
3. The object of the reservation of Bills of this kind is to protect the rights of the Crown. While there was only one Legislative Chamber, of which the members were in part elected, and in part nominated, any alteration of the franchise, the qualification of members, or the extent of the divisions for which they were returned, might materially affect the position of the Crown in the Chamber. Upon the institution of a Legislative body of two Chambers, one of which was wholly elective and the other entirely nominated by the Crown, the principle of safeguarding the rights of the Crown is satisfied by confining the reservation to Bills which solely refer to the Chamber where the Crown rights are in existence. There is no necessity to extend the principle to that Chamber where the rights of the Crown cannot be affected by any change in its composition due to legislation of the nature referred to.

Any change of this nature in the Legislative Council would be an interference with the prerogative, and is most properly a subject upon which the pleasure of His Majesty should be obtained; but similar changes in the composition of the Assembly would not affect prerogative.

4. This view of the law was taken by the Colonial Office up to 1894, upon which date the general Validating Act, 55 and 56 Victoria, c. 72, was passed, doubts being entertained as to whether the New South Wales Parliamentary Electorates and Elections Act, 1893 (56 Victoria No. 56), should not have been reserved; no question had been raised on this point in either 1858 or 1880, when similar Acts were passed.

The contrary view, as stated above, was first taken in 1894, but this interpretation has been expressed with doubt (see Jenkyns, “British Rule and Jurisdiction beyond the Seas,” p. 281); and the practice of the Colonial Office has, with one exception in 1901, been uniformly consistent with the other construction.

Acts extending the franchise have been passed in 1894 (57 Victoria No. 24), and in 1896 (60 Victoria No. 24, and 60 Victoria No. 25); none of these Bills were reserved, and no question has ever been raised in this connection.

It is quite possible that the Colonial Office may now consider that the Acts passed in 1898 (No. 2), 1900 (No. 61), and 1900 (No. 39), should also have been reserved, if they may be held to fall under class (g) as “dealing with the elections of elective members”; yet no suggestion has ever been made that they should have been reserved for the Royal assent.

It is supposed it was because the Colonial Office thought the Act No. 84 of 1900 was included in class (a) that the Act was validated by the Colonial Acts Confirmation Act of 1901, an action which caused considerable surprise in this State; for Act No. 84 of 1900 merely enacted that the readjustment of the boundaries of the various electorates should take place in 1900, instead of the latter part of 1901, as provided by section 13 of the Parliamentary Electorates and Elections Act of 1893.

From the above remarks, it will be seen that it would be a great advantage to have some definite instructions from the Colonial Office, so that a consistent action can be followed in this State.

It appears to me that the late action of the Colonial Office really means that all Bills dealing in any way with the Legislative Assembly must be reserved, and, though this would lead to great inconvenience, it would be better to have the question finally settled, than to continue the present uncertainty.

HUGH POLLOCK,  
Solicitor-General.

I concur in this minute.—B.R.W., 15/12/02.

The

The Private Secretary to The Honorable the Secretary of State for the Colonies to  
His Excellency the Governor of New South Wales:

Sir,

Downing-street, 27 February, 1903.  
I have the honor to acknowledge the receipt of your despatch No. 148 of the 29th of December last transmitting a copy of a Minute by the Solicitor-General of New South Wales on the subject of the reservation of the Women's Franchise Act, 1902.

2. In reply, I have to acquaint you, for the information of your Ministers, that the whole question of the reservation of Acts passed by the present Legislatures of the six Australian States has been under consideration for some time past, and that I trust shortly to be able to lay down definite instructions on the matter, as requested by Mr. Pollock in his Minute.

I have, &c.,

(for the Secretary of State) ONSLOW.

The Honorable the Premier.—HARRY H. RAWSON, Governor, 14/4/1903. Submitted.—C.W., 23/4/03. The Hon. Attorney-General—J.S., 25/4/1903. The Under Secretary, Department of Attorney-General and of Justice.—C.W., P.U.S., B.C., 27/4/03. Submitted in reference to the Attorney-General's Minute of 15 December last herewith.—G.M., 29/4/03. Secn.—B.R.W., 1/5/03.

The Acting Private Secretary to His Excellency the Governor of New South Wales  
to The Honorable the Attorney-General.

Sir,

State Government House, Sydney, 20 December, 1902.

I have the honor, by direction of His Excellency the Governor, to transmit to you the accompanying copy of a Bill passed by the Legislative Council and the Legislative Assembly, and presented to His Excellency for the Royal Assent, intituled, "A Bill to make provision for the enrolment of women electors, and the issue to them of electors' rights; for their voting at the polls; and to amend the Parliamentary Electorates and Elections Act, 1902," and to request that you will carefully peruse this measure with a view of ascertaining whether, in your opinion, there is any objection to His Excellency the Governor giving his assent to it, or whether he is required, under the provisions of the Constitution or any other Acts or Royal instructions, to withhold his assent to the Bill or to reserve it for the signification of His Majesty's pleasure.

I have, &c.,

ROBERTSON CLARK,  
Acting Private Secretary.

This Bill should be reserved by the Governor; reasons enclosed.—HUGH POLLOCK, 23/12/02.  
Private Secretary informed, 23/12/02.

The Solicitor-General to The Private Secretary to His Excellency the Governor  
of New South Wales.

Department of the Attorney-General and of Justice,

Sir,

Sydney, 23 December, 1902.

I have the honor, in the absence of the Attorney-General, to acknowledge the receipt of your letter of the 20th instant, transmitting to him, by command of His Excellency the Governor, the accompanying copy of a Bill passed by the Legislative Council and Legislative Assembly, and presented to His Excellency for the Royal Assent, intituled,

"A Bill to make provision for the enrolment of women electors, and the issue to them of electors' rights; for their voting at the polls; and to amend the Parliamentary Electorates and Elections Act, 1902,"

and requesting that he would carefully peruse this Bill, with a view of ascertaining whether, in his opinion, there is any objection to His Excellency the Governor giving his assent to it, or whether he is required under the provisions of the Constitution or any other Acts or Royal Instructions, to withhold his assent to the Bill, or to reserve it for the signification of His Majesty's pleasure.

2. In reply, I have the honor to report that, following the decision of the Colonial Office, that the Women's Franchise Act, No. 54, 1902, should have been reserved for the Royal Assent, His Excellency should, in my opinion, reserve this Bill for the signification of His Majesty's pleasure, on the following grounds:—

1. The Bill is a machinery Bill to give effect to the provisions of the Women's Franchise Act, No. 54, 1902.
2. The Bill contains provisions "concerning the election of the elective members of the Legislative Council" within the provisions of section 32 of 13 and 14 Victoria, c. 59, adopted by section 3 of 18 and 19 Victoria, c. 54.

I have, &c.,

HUGH POLLOCK,  
Solicitor-General.

Minute from His Excellency the Governor of New South Wales to The Honorable  
the Premier and Chief Secretary.

State Government House, Sydney, 6 January, 1903.

It will be my duty to transmit to the Secretary of State for the Colonies the "Parliamentary Elections (Amendment) Bill, 1902," which, acting upon the advice tendered to me by the Solicitor-General, I have reserved for the signification of His Majesty's pleasure.

Before



Before doing so, however, I shall be glad to be furnished with any observations or report which the Honorable the Premier might wish to go forward, for the information of the Imperial Government, with my despatch covering the Bill.

HARRY H. RAWSON,  
Governor.

Received, 8th. The Solicitor-General.—C.W., B.C., 8/1/03. I do not think any further report is necessary, full particulars have already been transmitted to the Colonial Office. 12/1/03. Returned C.S.O., 13/1/03. His Excellency.—J.S., 13/1/03.

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

Sir, State Government House, Sydney, 19 January, 1903.

Referring to your telegraphic despatch of 28th ultimo, I have now the honor to forward to you a copy of a Bill of the Legislature of New South Wales, intituled "An Act to make provision for the enrolment of women electors, and the issue to them of electors' rights; for their voting at the polls; and to amend the Parliamentary Electorates and Elections Act, 1902."

2. In view of your decision that the Women's Franchise Act, No. 54 of 1902, should have been reserved, and at the instance of my Ministers, I telegraphed to you on the 24th December last, asking whether I might assent to the accompanying Bill. On the 28th idem, I received your reply, advising that the Bill should be reserved for the Royal assent.

3. I accordingly returned the Bill with the usual endorsement thereon to the Legislative Council, and transmitted the customary Messages to each House of the Legislature.

4. A full report with regard to the measure from the Crown Law Officer of this State was enclosed in my despatch to you of the 29th December last, No. 148.

5. I trust that you will be good enough to take the necessary action in the matter as early as possible, as the Bill is one of importance, and it is desirable that it should be brought into operation at an early date.

6. I enclose a copy of the opinion which I obtained from the Crown Law Officer advising me to reserve the Bill for the signification of His Majesty's pleasure, together with five copies of the reserved Bill for distribution.

I have, &c.,  
HARRY H. RAWSON,  
Governor.

Cablegram from The Honorable the Premier and Chief Secretary to The Agent-General for New South Wales.

11 May, 1903.

"HAS Women's Franchise Bill received Royal Assent?"

Cablegram from The Agent-General for New South Wales to The Honorable the Premier and Chief Secretary.

11 May, 1903.

"WOMEN'S Franchise will be assented to next Council."



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

PARLIAMENT OF NEW SOUTH WALES.

(RETURN SHOWING COST OF CONDUCTING THE BUSINESS OF, FROM 16TH JUNE TO 16TH JULY, 1903.)

*Printed under No. 4 Report from Printing Committee, 30 July, 1903.*

[Laid upon the Table of this House in accordance with promise made in answer to Question No. 11, of 21st July, 1903.]

Question.

(11.) Cost of Parliament:—Mr. Archer asked the Colonial Secretary,—Will he inform this House the amount of expenses incurred in conducting the business of Parliament since the 16th of June, 1903, to the 16th of July, 1903, including Members' salaries, printing, &c.?

Sir John See answered,—I will endeavour to obtain this information and lay it upon the Table in the form of a return as speedily as possible.

Answer.

LEGISLATIVE ASSEMBLY.		£	s.	d.	£	s.	d.
Members' salaries	...	2,900	0	0			
Salaries of Officers and Messengers	...	825	0	8			
Contingencies, postage, &c.	...	14	9	2			
Telephones	...	14	6	8			
					3,753	16	6
PARLIAMENTARY LIBRARY.							
Cost of maintaining during period named...	...	168	3	4			
PARLIAMENTARY REPORTING STAFF.							
Shorthand-writing and type-writing for Debates, Select Committees, &c.	...	501	0	0			
Stationery and incidental expenses...	...	1	6	8			
					502	6	8
PRINTING.							
Total debited to Parliament for printing, &c., for period named amounted to	...	863	17	8			
Add Debates	...	205	14	8			
					1,069	12	4
					£5,493	18	10



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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# REPORT OF THE PROCEEDINGS

OF THE

# CONFERENCE

BETWEEN

THE PREMIERS OF THE STATES OF THE COMMONWEALTH  
OF AUSTRALIA.

HELD AT SYDNEY, APRIL, 1903.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
4 August, 1903.

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SYDNEY: W. A. GULLICK, GOVERNMENT PRINTER.

REPORT OF THE COMMISSIONER

COMMISSIONER

THE BOARD OF THE ...

...



PRINTED BY THE GOVERNMENT PRINTING OFFICE

1901

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## Agenda Paper placed before the Conference.

SUBJECT.	SUGGESTED BY.
The terms upon which the States are to be compensated for properties taken over by the Commonwealth.	Premiers of New South Wales and South Australia.
Payment of rebate on sugar-cane grown by white labour ... ..	Premiers of New South Wales and Queensland.
Selection of a site for the Federal Capital ... ..	Premier of New South Wales.
Maintenance of the Observatory at Mount Kosciusko ... ..	do do
The Murray River Waters and Report of Inter-State Royal Commission thereon.	Premiers of New South Wales and South Australia.
Should the 24th May be observed as a Public Holiday, to perpetuate the memory of Queen Victoria?	Lord Tennyson and Premiers of New South Wales and Tasmania.
Factories and Shops—Uniform legislation throughout the Commonwealth	Premier of New South Wales.
Electoral duties performed by Postal Officials ... ..	do do
Effect of Federal Postage Rates Act on Land and Income Tax Assessment Act of New South Wales.	do do
Administration of Signal Stations by the Committee of Lloyd's ... ..	do do
Proposed establishment of a Federal Government Printing Office ... ..	Premier of Queensland.
Printing of Federal Electoral Rolls ... ..	do do
Erection of buildings by Federal Government, the cost of which is to be met from Revenue of States.	do do
Proposed line of railway to Western Australia ... ..	do do
Payment by Commonwealth of compensatory allowance to retrenched members of Queensland Defence Force.	do do
State and Federal Loans ... ..	Premier of Victoria.
Joint occupation of buildings by State and Federal Governments ... ..	do do
Attitude of Colonial Office towards State Despatches ... ..	do do
Exclusion of Members of State Parliaments from candidature for Federal Parliament.	do do
Naturalisation of aliens ... ..	do do
Agents-General of the States in London, and reorganisation of Departments of Agents-General if appointment of High Commissioner contemplated.	Premiers of Tasmania and Victoria.
Customs duty on State Government importations ... ..	Premiers of Victoria and South Australia.
Representation of Australia at the International Congress on Hygiene and Demography to be held at Brussels in September, 1903.	Premiers of Victoria and Tasmania.
Channel of communication on matters within the State power, and the question of precedence in connection with the bestowal of honours upon State citizens.	Premier of South Australia.
The question of right of the States to fix times and places for elections of Senators.	do do
Metric System of Weights and Measures; Secretary of State's Circular Despatch of 9th September, 1902.	do do
Differential Railway Rates ... ..	do do

SUBJECT.	SUGGESTED BY.
Table of precedence ... ..	Premier of Tasmania.
Stamp Duty payable on receipts of Commonwealth Officers and on Contractors' documents.	do do
Services rendered to the Federal Government on State Railways ... ..	do do
Uniform system of Government holidays ... ..	do do
Notification clauses of Venice Sanitary Convention... ..	do do
Conference of Explosives Experts, with view to adoption of uniform legislation	do do
Charges in connection with flotation of State Loans .. ..	do do
Reciprocity in regard to free passages on Railways for State Officials and other State Visitors.	do do
Nature of support to be jointly accorded by the States towards management of Imperial Institute.	do do
Establishment of a School of Tropical Medicine ... ..	do do
Work performed by Officers of the Postal Department for State Savings Bank.	do do
Incidence of Victorian Income Tax Act upon residents of New South Wales deriving income from Victoria.	Thos. Brown, Esq., M.P.
A States' Paper Currency ... ..	Mr. Chas. Burt, Melbourne.
Resolutions of Premiers' Conference, 1902 ; Comments by Premiers of Tasmania and Queensland.	Premier of New South Wales.
Convention between Great Britain and Germany for settlement of Samoan and other similar questions.	do do
Resolutions of last Premiers' Conference not yet given effect to ... ..	Premier of Tasmania.
Relations between the States and the Commonwealth in regard to the audit of expenditure charged against the States.	Premier of New South Wales.
Naval Defence of Australia ... ..	do do
Murray River Fisheries ... ..	Premier of South Australia.
Inter-State use of London Loan Account Credits, to avoid cost of exchange	Premier of West Australia.



## INDEX.

	PAGE.
The terms upon which the States are to be compensated for properties taken over by the Commonwealth ... .. .	2, 13, 40
Payment of rebate on sugar-cane grown by white labour... .. .	6
Selection of a Site for the Federal Capital... .. .	10
Maintenance of the Observatory at Mount Kosciusko ... .. .	11
Should the 24th May be observed as a Public Holiday to perpetuate the memory of Queen Victoria? ... .. .	11
Factories and Shops—Uniform legislation throughout the Commonwealth ... .. .	12
Electoral duties performed by Postal Officials ... .. .	13
The Murray River Waters, and Report of Inter-State Royal Commission thereon ... .. .	19, 23, 39, 66, 89, 91, 96, 101
Effect of "Federal Postage Rates Act" on "Land and Income Tax Assessment Act" of New South Wales ... .. .	37
Administration of Signal Stations by the Committee of Lloyd's... .. .	37
Printing of Federal Electoral Rolls... .. .	41
Erection of buildings by Federal Government, the cost of which is to be met from revenue of States... .. .	42
Proposed line of railway to Western Australia ... .. .	42
State and Federal Loans ... .. .	44, 65, 77, 87, 96
Exclusion of Members of State Parliaments from candidature for Federal Parliament... .. .	50
Naturalisation of Aliens ... .. .	51
Payment by the Commonwealth of Compensatory Allowance to retrenched members of Queensland Defence Force ... .. .	52
Agents-General of the States in London, and the reorganisation of Departments of Agents-General if appointment of High Commissioner contemplated ... .. .	53
Customs Duty on State Government importations... .. .	55
Representation of Australia at the International Congress on Hygiene and Demography, to be held at Brussels in September, 1903 ... .. .	55
Channel of communication on matters within the State power, and the question of precedence in connection with the bestowal of Honours upon State citizens ... .. .	55, 57
Accident to Sir George Turner ... .. .	59
The question of right of the States to fix times and places for elections of Senators ... .. .	60
Metric System of Weights and Measures ... .. .	64, 70
Differential Railway Rates ... .. .	71
Stamp Duty payable on receipts of Commonwealth Officers, and on Contractors' documents... .. .	74
Services rendered to the Federal Government on State Railways ... .. .	75
Uniform System of Government holidays ... .. .	75
Notification clauses of Venice Sanitary Convention ... .. .	76
Relations between States and Commonwealth in regard to the Audit of Expenditure charged against the States ... .. .	78
Naval Defence of Australia... .. .	78
Conference of Explosives Experts, with view to adoption of uniform legislation ... .. .	80
Charges in connection with flotation of State Loans ... .. .	81
Reciprocity in regard to free passages on Railways for State Officials and other State Visitors ... .. .	83
Nature of support to be jointly accorded by the States towards management of Imperial Institute... .. .	84
Establishment of a School of Tropical Medicine ... .. .	84
Work performed by Officers of the Postal Department for State Savings Banks ... .. .	84, 98
Incidence of Victorian Income Tax Act upon residents of New South Wales deriving income from Victoria ... .. .	85
A States' Paper Currency ... .. .	86
Murray River Fisheries ... .. .	87
Resolutions of Premiers' Conference, 1902: Comments by Premiers of Queensland and Tasmania ... .. .	8
Inter-State use of London Loan Account Credits to avoid cost of exchange ... .. .	



# CONFERENCE OF STATE PREMIERS.

15TH TO 22ND APRIL, 1903.

## *PRESENT:*

The Honorable SIR JOHN SEE, K.C.M.G., M.L.A., Premier of New South Wales (Chairman).

The Honorable W. H. IRVINE, M.L.A., Premier of Victoria.

The Honorable ROBERT PHILP, M.L.A., Premier of Queensland.

The Honorable SIR ARTHUR RUTLEDGE, K.C.M.G., M.L.A., Attorney-General of Queensland.

The Honorable J. G. JENKINS, M.H.A., Premier of South Australia.

The Honorable J. H. GORDON, M.L.C., Attorney-General of South Australia.

The Honorable WALTER JAMES, M.L.A., Premier of Western Australia.

The Honorable C. H. RASON, M.L.A., Minister for Public Works, Western Australia.

The Honorable HERBERT NICHOLLS, M.H.A., Attorney-General of Tasmania.

In the absence of the Attorney-General of New South Wales, the Solicitor-General, MR. HUGH POLLOCK, was in attendance throughout the Conference.

## **FIRST DAY, WEDNESDAY, 15th APRIL, 1903. 2.30 to 6 p.m.**

SIR JOHN SEE, in opening the Conference, said: In the first place, I desire to extend to our friends from the other States—the Premiers and those who have accompanied them—the most hearty welcome to New South Wales, and I hope the result of our deliberations will be fruitful of good results. We have a great many subjects on the business paper, all of which are important, and some of very great importance; and whilst we may differ in our deductions in regard to the importance of some of the subjects, I think we shall all agree to differ. It is my opinion that the prevailing idea in the minds of all present to-day at this Conference is to bring the States closer together, and I am sure I am only re-echoing the sentiments of the Conference when I say that we are in no way antagonistic to the Commonwealth Government. To our minds, State rights are of pre-eminent importance. We do not wish to override the Commonwealth of Australia Constitution; but there are certain things which can only be done by the States, and as long as I hold the position I do I will invite my Colleagues—the Premiers of the other States—to join me from time to time in deliberating upon matters of mutual interest and concern. At the last Conference, the gentlemen representing the different States were good enough to place in my hands the privilege of calling together the Premiers of the other States, and their Colleagues, whenever I thought there was occasion to confer on any matters of importance that might arise. I have thought the present a desirable time, and therefore I wish to thank you, one and all, for acceding to my request and visiting Sydney once again—not from any selfish motive, from my own point of view, but because it seemed to me more convenient to all concerned to come to Sydney, as the most central and suitable place for the purpose. I shall preside over this Conference with one feeling—and one feeling only—and that is, to show every respect and consideration to the opinions expressed by every member of it. Whatever opinions I may hold myself, I will express them, feeling sure that you, gentlemen, will show me the same consideration that I am always prepared to extend to you. I know the Federal Government have had a great deal to do, but I do not think they have done as much as they might have done in regard to State interests. It is, perhaps, because their time has been otherwise occupied; but I do think more might have been done towards expediting certain matters of importance to the States than has been done up to the present time. I hope the result of our deliberations will enable us to place before the Federal Premier, in concrete form, some of those matters which we consider desirable, and I can only say, at the initiation of this Conference, that I hope our efforts will be successful.

SIR

SIR JOHN SEE: The first subject on the Agenda Paper is—

**The Terms upon which the States are to be compensated for Properties taken over by the Commonwealth.**

MR. JAMES: Before we proceed, I think it would be advisable to establish some rule of procedure. I find, on reading the report of the last Conference, some difficulty in arriving at the reasons which actuated the Conference in coming to the conclusions they did. If a question crops up of importance, I think a memorandum should be sent to each Premier, stating what it is proposed to bring forward at the next meeting. That would give us an opportunity of more fully discussing the matter.

SIR JOHN SEE: It is impossible to foresee everything that will need consideration at the hands of the Conference. There may be other matters crop up during the sitting of this Conference.

MR. JAMES: There may be matters raised involving financial questions, and it would be necessary for the Premier to communicate with his Treasurer to know what position he stands in before he would be able to discuss the matter. I should like the Conference to give this matter consideration, and see if we cannot have some notification of the matters to be brought forward for discussion.

MR. JENKINS: Would it not be better to take the subjects introduced by New South Wales first, Victoria next, and so on?

SIR JOHN SEE: This is a Conference of the Premiers, and I really do not think the order in which the subjects are dealt with makes much difference. In regard to the first subject, my view is this: that whatever properties are taken over from a State by the Commonwealth, the value should go towards reducing the Public Debt of the State. The Commonwealth would then have an asset equal to the value of the properties acquired. We do not want the Commonwealth to pay us in sovereigns; but if New South Wales transfers to the Federal Government £4,000,000 worth of property, it should be defined that that State should be paid a certain rate of interest on that amount, so that we should have a clear basis to go upon.

MR. IRVINE: What rate of interest do you propose to charge?

SIR JOHN SEE: Supposing the rate is fixed at  $3\frac{1}{2}$  per cent., that would be a fair average.

MR. IRVINE: Taking over properties may mean two different things: it may mean creating a new debt against the Commonwealth with the States as creditors, or it may mean simply that the Commonwealth agree to pay interest on the value of the properties transferred to them. Is it that the Commonwealth are to become liable to the creditors of the States for the value of the properties they acquire?

SIR JOHN SEE: No.

MR. IRVINE: If not, then the only arrangement could be for the States to enter into contract with the Commonwealth, whereby the latter would pay a certain rate of interest on the value of the properties transferred.

MR. JAMES: The Commonwealth would owe the States certain moneys for which they could furnish bonds.

MR. JENKINS: Would it not be better to leave this an open question for the Federal Government to decide how payment shall be made? I would suggest:—

That, in the opinion of this Conference, the properties vested in the State immediately on the establishment of the Commonwealth should be compensated for either by—

- “(1) Payment in cash.
- “(2) Payment in Commonwealth Bonds, bearing interest at  $3\frac{1}{2}$  per cent.; or
- “(3) By the Commonwealth taking over part of the debt of the State proportionate to the value of the property acquired.”

By this means each State would be working practically on the same basis.

MR.

MR. JAMES: How are you going to arrive at the proportionate values?

MR. IRVINE: The Federal Government would have to borrow the money, and Parliament would have to consent to that, whether the money is borrowed from the States or London.

SIR JOHN SEE: We have first to define the value of the properties acquired, and then the Federal Government will pay us in cash, bonds, or interest. If you press the Federal Government to pay the respective States the value of the properties acquired in cash, you would impoverish the Commonwealth very materially, and also the States themselves; but if we say the Commonwealth should recognise that they owe us as States a certain amount, and should give us credit for that amount, they could pay us interest at a rate agreed upon. But if it is done on the actuarial basis, the fluctuation may happen to favour one State to-day and another to-morrow. The only practical method of settling the matter seems to me to fix the value of the properties and then determine what rate of interest will be charged the Commonwealth.

MR. IRVINE: I would like to refer to the effect of some of the clauses of the Commonwealth Act in relation to the Commonwealth taking over portion of the Public Debt of the States in return for properties acquired. The Braddon clause, No. 87, provides that not more than one-fourth of the Customs duties and excise shall be applied annually by the Commonwealth towards its expenditure, which expenditure includes that covered by section 89. On the basis of £14,000,000 as the value of the States' properties transferred to the Federal Government, £500,000 would cover interest at  $3\frac{1}{2}$  per cent. for the whole of the States. But this would be included as expenditure under section 87, and would come under the operation of the Braddon clause and the one-fourth limit. Turn to section 105—

The Parliament may take over from the States their Public Debts as existing at the establishment of the Commonwealth, or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

Supposing the Commonwealth were to take over certain portions of the States' debts, it would at once upset the basis on which section 105 is to be applied. If the values of the properties were in exact proportion to the population of the States, it would not affect this question at all.

SIR JOHN SEE: I think sections 85 and 105 are absolutely different. Supposing the Commonwealth wanted to take over our railways, surely they would be entitled to pay us? The Commonwealth have taken over the Post Offices, Telegraph Offices, Custom Houses, and Defence Works, under the law, but what we say as States is that whatever the value of those properties may be, we should receive it either in cash, interest, or bonds from the Commonwealth. We cannot expect to receive payment for the cost of construction of works taken over by the Commonwealth, but payment on the capital basis.

MR. JENKINS: If the Commonwealth took over portion of the Public Debt of a State, what would they receive in the way of security? The State would retain the security, and the Commonwealth would take over the debt.

SIR JOHN SEE: The Commonwealth would take over the security.

MR. IRVINE: They should pay for the properties or take over portion of the debt.

MR. JENKINS: Are the Commonwealth bound to rely on section 105 if they take over our debt?

MR. IRVINE: They must either pay us by means of bonds, cash, or interest on the money.

SIR JOHN SEE: If we make a recommendation that State properties be paid for either in cash or bonds, or that interest should be paid on the amount involved, it will be optional on the part of the Commonwealth Government whether they accept our recommendation or not.

MR.

MR. JENKINS: They will come along and do as they like.

SIR JOHN SEE: The States are the controllers of the Commonwealth Parliament; and if the Commonwealth Parliament has committed a wrong, it is within the power of the States or the people of the States, to rectify it.

MR. JAMES: Does not what Mr. Irvine has stated emphasise the necessity of payment being made to the State in cash or bonds?

MR. IRVINE: Certainly.

SIR JOHN SEE: It would not be fair to say that we want the increased value of the properties or the depreciative value. The only business way of dealing with the question of the value is to ascertain the real value, or cost value, of the properties at the time they were acquired. I think section 105 applies to what the Federal Government may hereafter decide.

MR. JENKINS: Supposing I amend my motion to read—

“That, in the opinion of this Conference, the property which vested in the States immediately on the establishment of the Commonwealth should be compensated for either by—

“ (1) Payment in cash; or

“ (2) Payment in Commonwealth bonds bearing interest at  $3\frac{1}{2}$  per cent.”

MR. PHILP: I second that. It is simply carrying out what the Conferences of twelve months and two years ago agreed upon.

SIR JOHN SEE: I will read what was agreed upon at the last Conference:—

The Conference urges upon the Federal Ministry that, inasmuch as each State has made, or is now making, valuations of that portion of its property which is vested in or has been acquired by the Federal Government, these properties should be valued on behalf of the Federal Government without further delay; and is of opinion that the mode of payment should be by the Commonwealth becoming responsible for principal and interest in respect of such a part of the Public Debt of the State as is the equivalent of a  $3\frac{1}{2}$  per cent. loan of the same currency and of the amount of such compensation.

It seems to me that what we do can only be in the way of a suggestion, but the united opinion of this Conference must necessarily have great weight with the Federal Parliament.

MR. JAMES: I think our resolutions should be provisional for the present. If we wish to alter any decisions we may have arrived at during this Conference it would be preferable to go right back to the original and make the alteration rather than have the whole of the proceedings recorded in connection with such alteration.

SIR JOHN SEE: Do we agree on having a valuation of the properties made? If so, we can proceed as to the method of payment.

MR. JENKINS: If New South Wales were to value their property at £4,000,000 it would then be a matter for the Commonwealth to agree to that amount. There may be a difference of £200,000 in the valuations of the State and the Commonwealth.

MR. JAMES: At present it is against the financial interests of the Federal Government for them to make a valuation of the properties, and thus expedite payment. The question is,—When are we going to have finality in this matter? Let us suggest some tribunal which shall settle all disputes.

MR. IRVINE: By way of a suggestion, I would say that the States could appoint valuers to confer with valuers appointed by the Federal Government.

MR. JAMES: I think all matters in dispute in each State should be referred to two arbiters, one representing the State and one representing the Federal Government, and an umpire, who should be a State Judge, appointed by the Commonwealth.

SIR

SIR JOHN SEE : I have appointed the following gentlemen to make a valuation of the properties of this State transferred to the Federal Government :—Messrs. Critchett Walker, C.M.G. (Principal Under Secretary); Edmund Fosbery, C.M.G. (Inspector-General of Police); Joseph Davis (Under Secretary for Public Works); Francis Kirkpatrick (Under Secretary for Finance and Trade); Hugh Pollock (Solicitor-General); J. W. Allworth (Chief Government Surveyor); W. L. Vernon (Government Architect); and E. J. Sievers (Government Land Valuer). They are all representative men, and I have commissioned them to make the valuations on the best information they can obtain.

MR. IRVINE : I do not think the valuations should be made for the purpose of sending in a bill to the Federal Government, because, in the first place, there is the widest margin for a difference of opinion as to the amount arrived at.

SIR JOHN SEE : Any properties that the Federal Government do not want the States would have to take off their hands.

MR. GORDON : The Commonwealth Parliament has a duty to perform, but if it comes to a question of whether the States have the power to force them—it is my opinion we have not—except by bringing pressure to bear through the State Parliaments.

MR. IRVINE : If our valuations were disputed we could approach the Federal Government and ask them to take steps to appoint a Commission, with a view to ascertaining the values. We merely want to arrive at an agreement.

SIR JOHN SEE : Should we not send in our account first ?

MR. JAMES : There is not much use sending in an account to be rejected or accepted as the Federal Government pleases.

MR. IRVINE : I think, if the States individually appointed valuers for the purpose of sending in their claims to the Federal Government, the valuations would be practically worthless, and would disqualify the States subsequently from amending, in any shape or form their claims.

MR. JAMES : The result would be that the Commonwealth Government would look upon the States' valuations as the maximum in every case—a view which would be unjust to our valuations in Western Australia.

MR. IRVINE : I would suggest that the Federal Government join the States in appointing a Commission for the purpose of valuing State properties.

MR. GORDON : Then you would have a New South Wales representative joining in the valuation of Victorian properties, and *vice versa*.

MR. IRVINE : Yes.

MR. GORDON : Of course I see no objection to that.

SIR JOHN SEE : Would it be right to allow, say, a Tasmanian representative to have the same voice in the valuation of New South Wales properties as a New South Wales delegate would have ?

MR. IRVINE : Yes, I think so.

SIR JOHN SEE : What would be approximately the value of the Tasmanian properties taken over ?

MR. NICHOLLS : About £436,000.

MR. JENKINS : South Australian properties would amount to about £1,750,000.

SIR JOHN SEE : I will read the reply I have received from the Federal Government to the resolution passed at the last Conference :—

It is recognised that this is a matter in which the States are vitally interested, and no unnecessary delay will take place in dealing with it. The mode of payment suggested is still under consideration by Ministers, and as soon as it is possible to arrive at some decision I shall have pleasure in again communicating with you. It may be, however, that should the mode of payment suggested by you be adopted, it will be found that the rate of interest mentioned is higher than under the circumstances would be just.

MR. GORDON : How would it be for each State to appoint valuers, and in case of a dispute the matter be referred to arbitration, with a Judge of each State as a member ?

MR.

MR. JAMES: I will move the following resolution:—

“That should any dispute as to the amount of compensation payable arise, the same should be referred to a tribunal consisting of two arbitrators, one appointed by the Commonwealth and one by the State, and an umpire, to be a State Judge, appointed by the Commonwealth, or a Commonwealth Judge. The decision of this tribunal to be final.

This can be taken into consideration by the Conference and dealt with later on.

#### Payment of Rebate on Sugar-cane grown by White Labour.

SIR JOHN SEE: I will ask Mr. Philp to introduce this subject.

MR. PHILP: This is a matter which affects Queensland and New South Wales more than any of the other States. There has been a lot of talk in the Commonwealth Parliament about a “white Australia,” but the whole expense this year will fall on New South Wales and Queensland. We think it is a Commonwealth matter, and that the bonus paid to the people who grow the cane with white labour should come out of the funds of the Commonwealth. In Queensland this year some £24,000 has been paid for bonuses, and in New South Wales about £36,000—£60,000 altogether.

MR. IRVINE: Has that been paid out of the revenue of the States?

MR. PHILP: It has been deducted out of the excise paid on sugar.

MR. IRVINE: Collected in the States in which it is paid?

MR. PHILP: Yes; some has been paid in Victoria, but very little in South Australia.

MR. IRVINE: Your objection really is, that the Commonwealth is not carrying out section 89 of the Act.

MR. PHILP: They are taking the bonus only from the excise paid on sugar. We have been growing sugar in Queensland for about thirty-five years under certain conditions, and the Commonwealth Government have now interfered and say we must use white labour, and to encourage the use of white labour they offer a bonus for cane grown by white labour; and we contend that this bonus should be borne by the whole of Australia. We understood that it would be, but now find that the whole charge is made against New South Wales and Queensland. The question has been debated in the Commonwealth Government, but they have not yet come to a conclusion. Mr. Kingston thinks that the bonus should be charged to the States that use the sugar. It is really a bounty.

SIR JOHN SEE: It is the same contention that was raised in regard to the remission of duties. It was very properly stated that to suspend the duties would be unfair to South Australia, because they had had a good harvest. The same thing applies to Tasmania, and it might apply next year to this State. But if you impose a condition such as it is proposed to do, to suspend the duties because there is a scarcity in the Commonwealth, it would be to the disadvantage of South Australia, Victoria, or any of the other States, and then the whole question of excise and duties is abrogated. We have to join in whatever may happen for the good of the partnership, and to suspend the duties would really mean, to my mind, the abrogation of the Customs tariff, and that is exactly what Mr. Philp is contending in regard to excise.

MR. PHILP: The position is this at present: that it is better that the other States should not use Queensland sugar at all, because sugar coming from other parts of the world you get £6 per ton duty upon; so that it would really pay you not to use our sugar.

SIR ARTHUR RUTLEDGE: We are called upon to pay for the privilege of a “white Australia.”

MR. JAMES: The Commonwealth say you are not,—that you are paying the additional charges towards making more efficient and expanding your industry. To what extent is this bounty likely to go? Is there no limit?

MR.



MR. PHILP: Five years. I would like the opinion of the Conference as to whether the cost of having a "white Australia" should not be charged to the whole of Australia.

MR. IRVINE: Is it desirable that we should express an opinion on a matter of that sort. I think it is a pure matter of law, as to whether the Act imposing the duty on sugar is *ultra vires* or not.

SIR JOHN SEE: From a revenue point of view, it would have paid New South Wales and Queensland to send every pound of their own sugar away, and to have imported their own requirements.

MR. JAMES: What is a rebate?

MR. PHILP: It is a bonus, practically.

MR. JAMES: It is not in excess of the amount of excise.

MR. PHILP: No. In a couple of years we might supply the whole of Australia, and then we will benefit, but in the meantime we say it is an Australian question and not a Queensland one.

MR. JENKINS: What reply did you get from the Federal Government, Sir John?

SIR JOHN SEE: Only a formal one. I think the question raised by Mr. Philp is the most important one raised since the Commonwealth. I will read a letter which I sent on the 19th January, and which was followed by a letter dated the 3rd February:—

Premier's Office, Sydney, New South Wales,

My dear Sir Edmund,

19 January, 1903.

In connection with the matter of the rebate paid upon sugar-cane produced by white labour in this State, which up to the present time has totalled about £35,000, I desire to state that I have learned that such rebate is made a direct charge against the revenue of the State, whereas I consider the concession to white growers should be met by the Commonwealth as a whole, and the expense distributed on a *per capita* basis.

The matter appeals to me as a most important one. I do not intend to elaborate upon it at this juncture, but, believing in the full justice of the request, would ask for it your serious attention, with the object of rectifying the present practice as early as possible.

Yours, &c.,

JOHN SEE.

The Right Honorable Sir Edmund Barton, G.C.M.G.,

&c., &c., &c.,

Prime Minister of the Commonwealth of Australia.

Sir,

Premier's Office, Sydney, 3 February, 1903.

In continuation of my letter of the 19th ultimo, I have the honor to again address you in regard to the distribution of revenue derived from duties of Customs and excise on sugar, and the method of charging the bonus (rebate) allowed on white-grown cane.

It is important to every State of the Commonwealth that the revenue due to it under present conditions should be accurately ascertained, because on the collections of the first five years of the uniform tariff will depend the amount of revenue which each State will be entitled thereafter to receive, while the book-keeping provisions of the Constitution remain unaltered, and although the amount which is at stake in the present instance may not be considerable, the principle of distribution becomes important, in view of the effect which present collections will have on the revenue distribution of future years.

The position in regard to sugar is peculiar, as this commodity is one of the few subject to excise as well as import duty, the import duty being £6 per ton compared with £3 per ton excise. At first sight it might be considered equitable that each State should be credited with the actual revenue, which appears to be derived from the sugar consumed within its borders; and this is the practice of the Commonwealth Treasury, the course adopted being that any State, consuming imported sugar, should be allowed for the total of such sugar at the rate of £6 per ton, and for any Australian-grown sugar at the rate of £3 per ton. This principle works out in practice very detrimentally to certain States, especially those which are sugar-growers. The distribution of sugar, both Australian and imported, is in the hands of private firms, and naturally it is according to the exigencies of trade, not according to the revenue needs of the Government, that the sugar is distributed. The effect on the revenue of the States may be illustrated by the case of Tasmania, which is neither a grower nor a maker of sugar. The bulk of the sugar consumed in that State is obtained either from Brisbane or from Sydney, and is shipped almost entirely by one company. This company is both a manufacturer of local sugar, and an importer of Fijian, Javan, and other sugars. When an order is received from Tasmania, it is executed from stocks in hand and should these stocks chance to be of Australian-grown sugar, the Tasmanian Government receives revenue at the rate of £3 a ton; if, on the other hand, it chances that no local sugar is in stock and imported sugar is sent, then the Tasmanian Government receives revenue at the rate of £6 a ton. It is, therefore, no abuse of terms to say that the revenue received by some of the States very largely depends on the manner in which the greater companies managing

managing the industry find it necessary to transact their business. The result of this is seen in the revenue collection of the eleven months published by the Commonwealth Treasurer, when he made his Budget Statement.

It is not claimed that the figures herein given are absolutely correct; they are, however, approximate, and illustrate the question at issue as it appears to my mind, and any error in them will not affect the logic of the position which I take up.

State.	Quantity Sugar consumed.	Revenue from Sugar.	Average Duty per ton.
	tons.	£	£ s. d.
New South Wales ... ..	58,600	194,759	3 6 5
Victoria... ..	56,400	288,760	5 2 4
Queensland ... ..	6,900	20,951	3 0 6
South Australia ... ..	13,000	77,090	5 18 7
West Australia... ..	8,040	38,462	4 15 8
Tasmania ... ..	7,050	26,043	3 13 11
Total ... ..	149,990	646,065	4 6 1

It will be seen here that the revenue per ton ranged from £3 0s. 6d., in the case of Queensland, to £5 18s. 7d. in that of South Australia. The present arrangement is, therefore, highly in the interests of certain States, and against the interest of others. This anomaly may be further illustrated by reference to Sir George Turner's forecast of the probable revenue to be received for the present financial year, which was as follows:—

State.	Revenue from Import Duties on Sugar.	Revenue from Excise Duties.	Total Revenue.	Equivalent Revenue per ton Sugar consumed.
	£	£	£	£ s. d.
New South Wales ... ..	120,000	80,000	200,000	4 5 8
Victoria ... ..	210,000	35,000	245,000	5 4 11
Queensland ... ..	200	60,000	60,200	3 0 1
South Australia ... ..	90,000	1,000	91,000	5 18 8
West Australia ... ..	24,900	12,000	36,900	4 10 6
Tasmania ... ..	8,800	19,000	27,800	3 11 3
Total ... ..	453,900	207,000	660,900	4 11 4

The injustice of this arrangement is further seen when the proposals in regard to the rebate on sugar grown by white labour are taken into consideration.

The following gives the expected revenue from sugar; the rebates, and the net revenue:—

State.	Probable Revenue.	* Rebates on White-grown Sugar.	Net Revenue.	Duty per ton equivalent to net Revenue.
	£	£	£	£ s. d.
New South Wales ... ..	200,000	37,857	162,143	3 9 6
Victoria ... ..	245,000	4,290	240,710	5 3 2
Queensland ... ..	60,200	14,167	46,033	2 5 10
South Australia ... ..	91,000	381	90,619	5 18 2
West Australia ... ..	36,900	1,556	35,344	4 6 9
Tasmania ... ..	27,800	3,302	24,498	3 2 10
Total ... ..	660,900	61,553	599,347	4 2 10

\* These figures are taken from Press notices, and not from official documents.

From this it will be seen that, whereas South Australia will obtain a revenue of £5 18s. 2d. per ton on the amount of sugar consumed—that is to say, but little short of the full import duty,—Queensland will receive only £2 5s. 10d. per ton, an amount considerably below the excise duty, and Tasmania only £3 2s. 10d. per ton. It is, of course, quite within the power of any Government interested, especially the Governments of New South Wales and Queensland, to manipulate matters so as to secure the export of locally-grown sugar and the consumption of imported sugar, and thereby redress the balance against it, but the absurdity of the position will indicate the obvious remedy.

Apart, however, from the financial injustice to some of the States, the practice now followed leads to many anomalies.

Under present arrangements a so-called rebate on white-grown cane at the rate of £2 per ton of sugar is paid when the cane is delivered at the mills, and consequently before the sugar is made. In Queensland

Queensland it often happens that the raw sugar from this cane is mixed with the raw sugar made from other cane, the manufacturers having no interest in keeping the sugar apart, and sent on in bond to Sydney, to be there refined, the principal refineries being in that city. When the process of refining is completed, the sugar pays an excise duty of £3 per ton, which duty goes to the New South Wales revenue or to that of the State in which the sugar is ultimately consumed. In this case Queensland is charged with a rebate of £2 per ton from a duty which it has not received.

The impossibility of distinguishing the produce of white-grown and other cane has been mentioned. When sugar made from cane grown by white labour is exported, a very extraordinary position arises. The export is, of course, in bond, and no excise duty is paid upon it, yet a rebate of £2 per ton will have been paid upon this sugar, such rebate being chargeable to the State in which the cane was grown. If the position taken up by the Commonwealth was a logical one, this rebate should be demanded back from the growers, as there was no collection of revenue in respect of which a rebate could have been granted.

Other examples of the peculiar working of the present system might be instanced, but these two should suffice for illustration, and, with what has been said of the financial anomalies, make it clear that common equity and fairness demand an alteration in the method of distributing the revenue from sugar duties.

The following is the plan which commends itself to me :—

The total revenue derived from the duty and excise on sugar having been ascertained, there should be deducted therefrom the so-called rebates allowed on white-grown sugar, and the balance distributed among the various States in proportion to the quantity of sugar consumed by them. By adopting this plan, the carrying out of the policy of the Commonwealth in regard to coloured labour would be made a charge on the people of the Commonwealth as a whole, while the anomaly of adjusting duties received by a State according to the method of distribution adopted by the parties concerned in the distribution would be done with, and each State would receive a return from the Commonwealth based on its consumption of sugar, whether such sugar is grown in the State or imported thereinto.

Every State of the Commonwealth is desirous of giving the policy of a "white Australia" a fair trial, but I would point out that the acceptance of the principle under the existing arrangement falls very lightly on several of the States. To South Australia the burthen is but 6d. per ton of sugar consumed, Victoria 1s. 9d., Western Australia 3s. 9d., Tasmania 8s. 5d., Queensland 14s. 3d., and New South Wales 16s. 2d. It is plain that these unequal sacrifices for the establishment of a great principle were not intended by Parliament, and a policy which is intended to benefit the people as a whole should be at the expense of the whole people.

I have, &c.,

JOHN SEE,

Premier and Chief Secretary.

NOTE.—I have consulted with Mr. Philp, Premier of Queensland, in this matter, and he concurs in the foregoing statement.

The Right Honorable Sir Edmund Barton, G.C.M.G.,

&c., &c., &c.,

Prime Minister of the Commonwealth of Australia.

This communication has been merely acknowledged by the Federal Premier.

MR. IRVINE : At what stage is the excise charged on the sugar consumed in Queensland ?

SIR JOHN SEE : New South Wales and Queensland produce a considerable quantity of sugar on which they have to pay £3 per ton excise. Under our Commonwealth arrangements they can send sugar to any of the other States, and get the benefit of the £3 per ton. If they imported sugar they would have to pay £6 per ton. The whole of the rebate is charged back to Queensland and New South Wales. If you were to import all the sugar you consume from abroad you would get the benefit of the £6 duty as a State. If you consume sugar grown in Queensland or New South Wales you only have to pay £3. It is a question of revenue.

MR. GORDON : Whoever uses the sugar pays the rebate.

MR. JAMES : It is all a matter of policy. According to the present arrangement, Queensland sugar is apparently something that the other States ought, for revenue purposes, to keep out.

MR. JENKINS : I look upon it purely as a question of Federal administration.

SIR JOHN SEE : I think whatever the cost of a movement may be, the whole of the States should join in that cost. It may benefit New South Wales or Victoria, but it is a Commonwealth affair.

MR. JENKINS : Is this labour question to last for ever ?

MR. PHILP : Five years.

MR. JENKINS : I think this matter had better remain in abeyance and allow the Federal Government to deal with it, because they will have to amend their own Act. I think they will suggest an amended Act themselves to meet the case.

[This opinion seemed to prevail among members of the Conference, and the matter was dropped.]

Selection

**Selection of a Site for the Federal Capital.**

SIR JOHN SEE: This seems to me to be the most important matter of all.

MR. GORDON: I do not think we have a voice.

SIR JOHN SEE: We have, individually.

MR. IRVINE: Do you think we ought to touch this?

SIR JOHN SEE: I think we ought to look into it from a practical point of view. It seems to me to be a question involving an enormous expenditure. It will cost at least £5,000,000, and all the States are concerned in that. It must be in New South Wales as matters stand at present; and if the Bombala or any other inland site were selected, it would be taking the Federal capital away from the centre of population altogether.

MR. JENKINS: There need be no Federal Capital for 100 years. There is no time limit. But it cannot be in Sydney and Melbourne both.

SIR JOHN SEE: I would sooner see it at Melbourne than at an outside place. But I think Sydney is the proper place for it. Whatever site is decided upon will be a tax upon all the Commonwealth. It is not a local matter; it is a matter of great importance. Fancy establishing the Federal Capital at Bombala. It may be a suitable place as far as climatic conditions are concerned, but it is away from everything. You would have to build your Parliament House, Government House, and all necessary public offices.

MR. JENKINS: We would have to build a Federal City; that is what it means. The Federal Parliament should either meet in Sydney or Melbourne for years to come.

SIR JOHN SEE: I merely put the matter before the Conference for discussion. I think it is a matter we should discuss, and I regard it as one of the biggest questions we have to control.

MR. NICHOLLS: Do you offer a definite proposal in the matter, Sir John?

SIR JOHN SEE: I want the Conference to discuss it.

MR. JAMES: My opinion is, that the sooner the Federal Capital is fixed the better. I say it is altogether undesirable to have the Capital either in Sydney or Melbourne, controlled by a Press which reflects the local State view rather than a Commonwealth one. This is a serious matter so far as the smaller States are concerned. At present, in Melbourne, the Federal Parliament is very largely influenced by the purely local papers published in Melbourne, and those papers are essentially State papers. I can see no way of getting a really Federal Press and Federal public opinion until we have a Federal Capital.

MR. JENKINS: Why could we not have a Federal Press at Melbourne as well as anywhere else?

MR. JAMES: Neither from an advertising or circulating point of view would that be practicable. They deal with Federal matters, but entirely for the State readers.

MR. JENKINS: I do not think that would apply altogether. It is not the case in Canada.

SIR JOHN SEE: I am looking at it from a purely commercial point of view, and I cannot see for the life of me how you are going to get a Governor-General to shut himself up in a country town. There are all the different offices to be arranged, and the Courts. If the Governor-General comes to Sydney he has to bring all his belongings with him, and I do not think he would go to a country town.

MR. JAMES: What about Western Australia? All the outside States suffer. We have to leave our homes to come over to Sydney and Melbourne.

SIR

SIR JOHN SEE: I must say that I look upon the establishment of a Federal Capital outside of Sydney or Melbourne as almost impossible, by reason of the cost and its isolation. We have a huge Government House here, which costs an enormous amount of money, and which has been vacant for two years. We have had to go to expense in providing a State Governor's House.

SIR ARTHUR RUTLEDGE: You could not have the Federal Capital outside Federal territory; therefore you would rob New South Wales of Sydney, or Victoria of Melbourne, as the case may be.

SIR JOHN SEE: You could alter the law. If we determined to make a recommendation that the Federal Capital be at Sydney or Melbourne, the natural corollary would be that the 100 miles clause should be revoked.

MR. IRVINE: Could it be agreed to have an alternate arrangement between Melbourne and Sydney?

SIR JOHN SEE: I do not think you could bring all the Civil Servants from Melbourne every alternate session.

MR. JENKINS: I do not see how we can come to any resolution that would have any force, except to give our different opinions.

SIR JOHN SEE: I quite agree with that, but I think it is well that this Conference has had an opportunity of discussing the question.

#### Maintenance of the Observatory at Mount Kosciusko.

SIR JOHN SEE: Queensland and New South Wales have had to pay the whole of the expense in this connection, and we do not think it is reasonable. If the observatory is for the benefit of the whole of Australia, as Mr. Wragge contends, then the whole of the States should contribute.

MR. NICHOLLS: The same would apply to Mount Wellington. We take observations there which Mr. Wragge regards as of more value than Kosciusko.

MR. JENKINS: I think this matter might be passed over.

#### Should the 24th May be observed as a Public Holiday to Perpetuate the Memory of Queen Victoria?

MR. IRVINE: I think there are at present sufficient public holidays. They are very expensive, and if we make a precedent of this case, it will apply on the death of King Edward VII.

MR. JAMES: What has led up to this question, Sir John?

SIR JOHN SEE: The Earl of Meath communicated with the Governor-General. The question is, whether we should perpetuate the memory of the Great Queen? I quite agree as to the number of holidays at present; I think they are too numerous.

MR. IRVINE: It was calculated some time ago that a holiday costs the people of Victoria nearly £30,000, and the Government about £4,000. I think the Railways loss is £3,500 for one day.

SIR

SIR JOHN SEE : It costs the New South Railways £7,000.

MR. IRVINE : I think it would be better to erect a national memorial to perpetuate the memory of the late Queen.

MR. JENKINS : Our holidays are fixed by Act of Parliament. The 24th May has now dropped out, and the anniversary of the birthday of King Edward VII substituted.

SIR ARTHUR RUTLEDGE : The 24th May has long been established in the public minds as a holiday. It is the anniversary of the birthday of the late Queen Victoria, whose reign is without precedent, and we are not likely to have a similar instance.

MR. JENKINS : In twenty years time we would want to keep King Edward VII's birthday up.

SIR JOHN SEE : I think we had better pass this matter over.

#### Factories and Shops—Uniform Legislation throughout the Commonwealth.

MR. IRVINE : We have to bring in a new Factories and Shops law at the end of the year, and there is a considerable section of the people of Victoria in favour of asking the Federal Government to legislate upon the matter under the Constitution.

MR. JENKINS : They have already intimated that they intend to deal with this matter.

MR. IRVINE : It has been strongly advocated by some people that this matter ought to be put to the Federal Government in connection with clause 51, subsection XXXVII, in order that we might have uniformity.

SIR JOHN SEE : This can only be a recommendation from the State Premiers or from the Conference to the Federal Government. In New South Wales we have a Factories and Shops Act.

MR. JENKINS : We have one in South Australia, but the Legislative Council refused to pass Regulations giving effect to it.

MR. IRVINE : I think it is a good thing to bring up, because it will place me in a better position ; because I can say that the matter was discussed at the Conference of Premiers but no agreement was arrived at.

SIR JOHN SEE : I quite agree that if the Federal Parliament attempted to pass an Act of this sort it would override the privileges and rights of the States, and that we would not submit to.

MR. JAMES : It would be better for the States to be on the one footing.

MR. IRVINE : This is one of the things that the States might agree to.

SIR JOHN SEE : The Factories and Shops Act with us practically applies to the conditions under which the employees are worked, hours of labour, &c.

MR. IRVINE : It might be very desirable hereafter to try and arrive at some agreement for uniform legislation between the Premiers.

SIR JOHN SEE : I take it that it would be for the States to decide on the uniformity of the legislation.

MR. IRVINE : I think a proposition might be carried for the States to join in trying to bring about uniformity of legislation as to the mode of determining how wages are to be arrived at, the hours of labour, &c. I think it is only in regard to wages that the necessity for uniformity exists. I will think this matter over and see if I can make any suggestion to the Conference later on.

### Electoral Duties performed by Postal Officials.

SIR JOHN SEE : It appears some of the State officials are doing Federal work, and *vice versa* ; also banking work is performed by both classes of officials for which they do not get paid. We have tried to help the Federal Government in every way possible. If they had to appoint a duplicate set of officers we would have to pay for it. The question is whether we can define the work that should be done by the different officials. The Federal Government have borrowed our engineers and all classes of officials.

MR. JAMES : I think it is a matter for arrangement with each State. The work is so different in the various States that we could hardly arrive at any definite common arrangement.

MR. IRVINE : It means that we are now doing what otherwise we would have to pay for through the Federal Government. I hardly think any uniform rule could be arrived at.

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SECOND DAY, THURSDAY, 16th APRIL, 1903. 11 a.m. to 1 p.m.

#### The Terms upon which the States are to be Compensated for Properties taken over by the Commonwealth.

SIR JOHN SEE : I think we had better proceed with the question of the payment by the Federal Government for properties transferred to them.

MR. JAMES : I think that question of the compensation for State properties transferred should stand over until item No. 17 is reached regarding the joint occupancy of buildings by State and Federal Governments.

SIR JOHN SEE : What relevancy is there between the Federal Government taking over properties and the joint occupation of buildings ?

MR. JAMES : When dealing with this question of transferred properties, does not the question at once arise how you would deal with properties not exclusively occupied by the Commonwealth, but in the joint occupation of the Commonwealth and the State.

MR. GORDON : This is the point that arises in regard to these buildings. There are two classes of properties which may be acquired by the Commonwealth—properties vested in the Commonwealth immediately on its establishment and used exclusively by them, and properties used partly for the transferred service and partly for untransferred services, which must be taken over under separate conditions. The South Australian Post Office building has been principally used for Post Office purposes, but it has also been used for the Departments of Education, Agriculture, Attorney-General, and other Departments. The question is, what properties come under the provisions of subsection II of section 85 of the Commonwealth Act, which reads:—

The Commonwealth may acquire any property of the State of any kind, used, but not exclusively used, in connection with the Department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes, is ascertained under the law of the State in force at the establishment of the Commonwealth.

Taking our Post Office as an illustration, that was used, but not exclusively used, in connection with the Post Office Department; so that our contention is that we are bound to take that over under a law which we call the "Lands Clauses Consolidating Act." The Federal Government contend that inasmuch as the building was partly used as a Post Office it comes under subsection I of section 85. If it comes under subsection I then they have the right to take it under any method determined upon by the Commonwealth Parliament, and the State has no voice. If it goes under subsection II the Federal Government take it over in the prescribed manner and the State has a voice

voice—the arbiter and the State Court being the deciding tribunal. In order to bring this matter to an issue we have turned the keys of some rooms in the building; and unless the Commonwealth will agree to pay us at least a nominal rental until this question is settled, in order to protect our rights, we will not let them in. It is very important to a State to be able to say that the value of a property shall be decided in the manner prescribed by subsection II, in which we have a voice. This is very much better than giving the Commonwealth control under subsection I. This is very important, and no doubt debatable, but we are prepared to contest it in any Court.

SIR JOHN SEE: But there is no Court yet in existence.

MR. GORDON: In the meantime, we have turned the keys of the doors. We hold the fort, and will not surrender the rooms until the question is decided. All the States are in the same difficulty, and we ought to take united action.

MR. IRVINE: The great difficulty I have found is in connection with the word "property." We have properties described as rooms and buildings exclusively used by transferred Departments; also instances where Post Office buildings contain space set apart for Treasury purposes; then there are several buildings on one piece of land, one of which may be used for Barrack purposes. The difficulty is to know the meaning of the word "property." I suppose the position the Commonwealth would take up is that everything is "property"—even a room?

MR. GORDON: Their contention is founded on this principle: that wherever a building has been principally used by a transferred service, they have the right to take the lot. Having the biggest bite they contend they should swallow the lot.

MR. IRVINE: That is under subsection I?

MR. GORDON: Yes.

SIR JOHN SEE: You could not divide a building up and transfer portion of it?

MR. GORDON: Yes; I think you could.

SIR JOHN SEE: You think they could take a portion of a building and you retain another?

MR. GORDON: Yes.

MR. JENKINS: In the first place, we had an old Post Office building that was used almost entirely for postal and telegraphic purposes. Then we built an additional building, and transferred the telegraphic and money order business to it, and in addition this new building is used for the purposes of Crown Law Offices, Educational, and Agricultural Departments, and others.

MR. GORDON: The reasonable view is to deal with the whole question under subsection II. The Commonwealth have taken the stand that they are entitled to the whole building, and we intend to fight them, and hope that the other States will take the same view.

SIR JOHN SEE: In regard to our Post Office in Sydney, this building is used for postal purposes and Savings Bank purposes. The Pitt-street portion is used for banking purposes, which is a very large affair. If we use a portion of that building we shall have to pay rent for it, as the Commonwealth have practically taken the whole building over.

MR. JAMES: You admit that they had a right to the Savings Bank portion?

SIR JOHN SEE: No; but it was part of the one building.

MR. JAMES: We ought to decide the question, as subsection II was obviously passed expressly to deal with instances where one transferred Department is occupying one room and another State Department some other room in the same building.

MR. RASON: In Perth, the Post Office is part of one huge block of offices, and no one can say where the Post Office begins and ends. We want the Commonwealth people to define so much of the building that they wish to take, but they will not do that. They think they have the right to claim just what they like.

MR.



MR. GORDON: Subsection II only imposes a fair and honourable way of deciding the matter, and it seems to me only fair and reasonable on the part of a State to contend that where the transferred service occupies only portion of a building, the matter should be dealt with under subsection II.

MR. NICHOLLS: Does the Commonwealth contend that, where the transferred service occupies only part of a building, it constitutes exclusive occupation?

MR. GORDON: Their contention appears to be that where a building has been used principally for Post Office purposes, that carries the whole building.

MR. IRVINE: In the case of a Custom House, where the Customs Department allow another Department the use of one of the rooms in the building, I understand the Commonwealth contend that that does not prevent the Customs Department from saying at any time that they require the use of the room, and that, therefore, the building is practically in the exclusive use of the Customs.

SIR JOHN SEE: I should say the Federal Government should take over our Custom House, and, if there are rooms there they do not require, and we can lease them from them, it would be a sensible thing to do that. But we could not divide the building up and say that we own one portion as a State, and the Commonwealth own the other portion.

MR. GORDON: They have the right to take it—it is *de facto* under the law. It is only a question as to how the Commonwealth should take the property over.

MR. IRVINE: If it be taken over under subsection I of section 85, then the Commonwealth have the right to make the valuation; if under subsection II, then the State has the right to decide the value. But how would you define the word "property"?

MR. GORDON: Literally the word would cover both real and personal property.

MR. IRVINE: Supposing, within the one ring fence, there were a number of separate buildings, one of which was used for military barracks purposes, another for police quarters, &c., and supposing these buildings were connected only by a causeway,—could those buildings be divided between the State and the Commonwealth?

MR. GORDON: I admit there would be difficulty in that case.

MR. IRVINE: At Ballarat we have buildings separated by a kind of arcade; one is used for postal purposes, and the other for Treasury purposes. Then we have the case of a building where a suite of rooms is used by one of the transferred Departments. This all goes back to the question of what is meant by the word "property." There is a legal difficulty about this.

MR. GORDON: The law makes it a practice that if the Commonwealth say at any time they want certain property, no State can say they shall not have it on any terms.

MR. IRVINE: It would be a matter for the jury to say what was the property used, in fact, by the Department that was transferred. Take the case of two buildings within the one fence—if you say that is all one property then the whole thing is to be taken over under subsection II. Supposing the Commonwealth take the view that it is one property, and that be the correct view, then it is to the advantage of the State, because the Commonwealth would be obliged to abide by subsection II under the law.

MR. GORDON: Supposing they take the other view?

MR. IRVINE: In that case I would suggest that we try to arrive at what is the true meaning of the word "property" and adopt that, or ask the Commonwealth what definition they would substitute for it.

MR. JAMES: I do not agree that the instance given by Mr. Irvine covers the majority of cases. Supposing you had a building divided up into four portions, there would be no difficulty in making the division between the State and the Commonwealth?

MR. IRVINE: I have only given the extreme on one side.

MR.

MR. GORDON: I should think that, for all practical purposes, a property in part occupation would be the case of two buildings with no visible division, on the one piece of land, one of which is used exclusively by the transferred Department and the other for services not transferred. In that case the transfer should be made under subsection II.

SIR JOHN SEE: Following the practice we have adopted, our Custom House has not been included in our valuations for the reason that it is divided up between the Customs Department, the Department of Navigation, Shipping Master, and Taxation Department. The Commission appointed by this Government have suggested that a rent of £2,200 be charged to the Commonwealth for that portion occupied by the Customs.

MR. GORDON: They are ignoring the fact that if the Federal Government choose they have the right to take over the whole building.

SIR JOHN SEE: I think beyond all doubt the Commonwealth Government will have to take over the Customs House, and instead of their being our tenants we will have to be the tenants of the Commonwealth. The larger portion of the building is used for Customs purposes, and in my opinion it would be far better for them to take over the whole building and charge the State rent for the accommodation required by the State.

MR. JAMES: We should adopt a joint line of action, and if we decide to forward our valuations to the Federal Government, we should eliminate the properties coming within subsection II.

SIR JOHN SEE: I think it would be an easy matter to arrive at the valuation of the portion the Commonwealth take over in regard to two buildings on the one piece of land.

MR. IRVINE: The list of properties spoken of are only those under subsection I. Those under subsection II would not be included in the list of transferred properties for which the States would get compensation. They would be paid for those if the Federal Government decided to acquire them.

SIR JOHN SEE: Supposing between State and Commonwealth we failed to agree, can we enforce our rights in the Law Courts?

MR. IRVINE: Yes, in the case of those under subsection II, but not under subsection I. I think it would be better to submit two cases to individual counsel in England or some of our own Judges, in order to define the meaning of the word "property," so that we may know what properties should be included in the list for compensation. I think we should join with the Federal Government to appoint three of the Judges to decide this matter. Until this is decided we do not know how to make up our lists.

MR. JAMES: Take for instance a Post Office building partly used by that Department and partly by non-transferred Departments. What right has the Commonwealth to be there if the building is not acquired under subsection II?

MR. IRVINE: The mere fact that a room was allowed to be used for some other purpose, it would be extraordinary to contend, took the whole matter out of the operation of subsection I.

SIR JOHN SEE: In the New South Wales report on the valuation of State Properties, it is stated:—

With regard to buildings used conjointly by Departments of the State and the Commonwealth, it has been decided by a Conference between Ministers of the Commonwealth and Ministers of the States, held at Melbourne on the 1st November, 1901, that each case be a matter of negotiation as the occasion arises, as the matter is one which is not susceptible of a fixed rule. In view of this, we would suggest that whichever Government occupies the greater part of a building shall take possession and charge rent to the other.

That seems to me to be a way out of the difficulty.

MR. JENKINS: That does not touch the point of ownership.

MR.

MR. GORDON : I have framed a proposition which I think will cover all the cases discussed. I propose the following :—

“That, in the opinion of this Conference, the definition of the word ‘property,’ under section 85, should be as follows—

“ (a) Buildings used exclusively for a transferred service be taken over under subsection I of section 85.

“ (b) Buildings partly used for a transferred service and partly for a State service, be taken over under subsection II.

“ (c) Where there are separate buildings on the one piece of land, some used for transferred service and some for State service, the buildings used for the transferred service, and the land on which they are built, should be taken over under subsection I, and if the Commonwealth require them the other buildings used for State service should be taken over under subsection II.

“ (d) Wherever a dispute arises as to what land belongs to any particular building, the matter be referred to arbitration.”

MR. IRVINE : What of the case I have cited at Ballarat where you have all under one roof what are practically two buildings with different means of access ?

MR. GORDON : That would be a building partly used for a transferred service and partly for a State service, and should be acquired under subsection II, or so much as the Commonwealth might require of it.

MR. JENKINS : They must take the whole building under subsection II.

MR. JAMES : There are several difficult questions arising under section 85, and I would like to suggest that the matter be submitted to the Attorneys-General of Victoria, and South Australia, and the Solicitor-General of New South Wales, as a sub-committee, to report upon the questions arising out of section 85 of the Commonwealth Act, as indicated by this morning's discussion.

SIR JOHN SEE : Whatever was determined at the former Conferences, we must either abide by or revoke. It has been decided as I have stated—that each case be a matter of negotiation as occasion arises.

MR. JENKINS : That does not affect the matter. We want to settle the basis on which negotiations should be carried out.

MR. JAMES : I will move my resolution that the three gentlemen named deal with this matter and report to the Conference later on.

MR. JENKINS : The objection of South Australia in connection with their Post Office is that the Federal Government contend that it is in exclusive occupation by the Post Office Department.

MR. NICHOLLS : How are the words “use” and “exclusive use” to be determined ?

MR. GORDON : There may be some rooms used for a transferred service and others for a State Service. In that case the meaning of the Constitution would be “use” and not “exclusive use.”

SIR JOHN SEE : Whatever conclusions we arrive at will be a subject for negotiation with the Federal Government. We can only come to our own conclusions as representatives of the States.

MR. GORDON : There has been some correspondence between our State and the Commonwealth Government in regard to our Post Office, which appears to put the whole case in a nut-shell. Sir William Lyne made a public statement that there were fourteen rooms in the Adelaide Post Office locked up by that State which belonged to the Commonwealth. We wrote to them on the matter, and the following is the correspondence on the subject :—

Copy of telegram sent to The Right Honorable the Prime Minister of the Commonwealth, Melbourne.

9 March, 1903.

STATEMENT reported to be made by Minister for Home Affairs that fourteen rooms are locked up in Post Office Buildings against Federal Government quite incorrect. Only two rooms available Federal officers, and quite at your service at reasonable rent. Writing fully to-morrow's mail

J. G. JENKINS,

Sir

Sir,

Premier's Office, Adelaide, 10 March, 1903.

I have the honor to draw your attention to a statement reported in the newspapers to have been made by the Honorable Sir William Lyne that there are fourteen rooms locked up in the General Post Office Building to which the Federal Government should have access, and to inform you that the statement is quite incorrect.

All the rooms in the Post Office Building are fully occupied, and have been so occupied since the building was erected, except two. One of these rooms has only recently been vacated, and one is still partly used.

This Government is quite willing to place both of these rooms at the disposal of the Federal Government at a moderate rental if they are required for the use of Federal officers.

As the question of compensation for State property stands at present, I cannot agree to surrender any State property to the Commonwealth. Both the claims put forward by your Government to State property, and the method of so called compensation which has been suggested, are, I am advised by my law officers, unconstitutional. That being so, it is my duty to preserve State property until a just mode of compensation is arrived at either by the Commonwealth paying in cash or bonds for the properties, or relieving the State of a part of its public debt proportionate to their value.

In view of the magnitude of the interests involved, your Government cannot reasonably expect this State to move from the position I have indicated.

The threat reported to have been made by Sir William Lyne that he will rent rooms from private owners is not calculated to promote harmonious relations between the Commonwealth and the State. He proposes to pay rent to outsiders, but he will not pay rent to the State; yet the State in the end has to bear the cost. If the position taken by the State in requiring rent to be paid was without reason there would perhaps be some excuse for retaliatory measures such as are threatened by Sir William Lyne; but seeing that the State is merely protecting its property by the course threatened is, as I respectfully submit, unreasonable and injudicious.

I have, &amp;c.,

J. G. JENKINS,

Premier.

The Right Honorable the Prime Minister of the  
Commonwealth of Australia.

Commonwealth of Australia, Department of External Affairs,

Melbourne, 14 March, 1903.

Sir,

I have the honor to acknowledge the receipt of your letter of the 10th instant, with reference to certain rooms in the Post Office, Adelaide, being placed at the disposal of this Government, and to inform you that the matter will receive due consideration.

I have, &amp;c.,

EDMUND BARTON.

The Honorable the Premier of South Australia,  
Adelaide.

Commonwealth of Australia, Department of External Affairs,

Melbourne, 27 March, 1903.

Sir,

In continuation of my letter of the 14th March, acknowledging yours of the 10th idem, I have the honor to inform you that the views set out in your letter have received careful consideration. The matter in itself is a small one, and I hope there need be no lasting difference of opinion between the Government of the Commonwealth and that of South Australia on the subject.

There appears to be some difference of opinion as to the ownership of the property. If the rooms in question were, as this Government contends, transferred to it on the 1st of March, 1901, it can hardly be expected that the Government should pay rent for its own property; and, further, I cannot suppose that you seriously intend to retain, "until a just mode of compensation has been arrived at," property which has in law become vested in the Commonwealth.

The statement made by Sir William Lyne, that it will be necessary to rent rooms from others, cannot, I submit, be regarded as a threat. Rooms are necessary for the purpose of the Federal Government. If the accommodation cannot be obtained by that Government in its own building, it must look elsewhere; and, of course, if the Government rents rooms from outside persons for the purposes of the Postal Department, the rent will be part of the cost of administering the South Australian branch of the Postmaster General's Department.

You will, I am sure, agree with me that the question of the transfer of one or two rooms—so small in itself—should not be delayed in its settlement until the large and important question of the method by which the Commonwealth is to compensate the State for transferred properties is decided. That question is still engaging the serious consideration of this Government, but it is impossible to arrive at a solution until the Federal Government is in possession of full information as to the extent and value of the transferred properties, which information is now being obtained.

I have, &amp;c.,

EDMUND BARTON,

The Honorable, The Premier of South Australia,  
Adelaide.

- Sir,

Premier's Office, Adelaide, 7 April, 1903.

I have the honor to acknowledge receipt of your letter of the 27th ultimo, regarding the transferring of rooms in the building which is partly occupied as a Post Office to the Commonwealth.

The argument of your letter now under your reply, no doubt inadvertently, begs the whole question now in issue between our respective Governments.

The position, put broadly, is as follows:—

1. The Commonwealth Government claim that on the establishment of the Commonwealth the whole building known as the Post Office Building became vested in the Commonwealth, and that under the Constitution the Commonwealth Parliament has absolute power (in the absence of an agreement) to settle the method of compensation (section 85, subsection III).

2. This Government, on the contrary, contends that the building in question having at the time of the establishment of the Commonwealth been used, but not exclusively used, in connection with a transferred Department (viz, the Post and Telegraph Department), should be acquired under subsection 11 of section 85 of the Constitution; or, in the alternative, that at least that portion of it which was not used in connection with the Post Office and Telegraph Department should be so dealt with.
3. There is a vital difference between these contending views. If the contention of the Commonwealth Government is right, then the State has no voice in the question of compensation for the property, and must yield to the Commonwealth Parliament. If, on the other hand, the contention of this Government is right, South Australia is in a much more advantageous position, and has a voice in the terms upon which the property shall be acquired.
4. In this state of facts your Government ask that the Commonwealth Government shall be allowed unconditionally to acquire possession of a large part of the property in dispute. Such a request is, I respectfully submit, unreasonable and requires a practical surrender upon the part of this Government of the position above indicated.
5. This Government is quite willing to rent to your Government for Post Office purposes any rooms available until a proper decision upon the questions in issue can be obtained. Such a course would preserve the rights of both State and Commonwealth.
6. My Government is exceedingly desirous of meeting the wishes of your Government in every way consistent with fair play to the State, but they cannot unconditionally surrender possession of any further property in the present unsatisfactory state of the question of compensation.

I have, &c.,

J. G. JENKINS,  
Premier.

The Right Honorable the Prime Minister of the  
Commonwealth of Australia, Melbourne.

They are in the position of holding the properties and paying no interest on the cost.

SIR JOHN SEE: They will have to pay interest from the date of resumption.

MR. GORDON: Yes; I think that would hold good in equity or general law.

SIR JOHN SEE: Whatever resolutions we arrive at we shall communicate to the Federal Government. The resolution proposed by Mr. James is as follows:—

“That the Attorney-General of Victoria, the Attorney-General of South Australia, and the Solicitor-General of New South Wales be requested to look into and report upon the questions arising under section 85, as indicated by this morning's discussion.”

What is the wish of the Conference?

[The motion was unanimously agreed to.]

#### The Murray River Waters and Report of Inter-State Royal Commission thereon.

MR. GORDON: We have all copies of the report, and we can put South Australia's objections to it in twenty-five or thirty words; then we get the whole issue. Our objections to the main points of the report, and which really touch the vital points, are two in number, and they are as follows:—The report, if carried out, would make the river navigable for five months in every year, whereas the average navigability of the river for all seasons for ten years—1886 to 1896—was eleven months in every year, and during that period the river was continuously navigable for two separate periods of two years and nine months and three years and seven months respectively. So that, as against the attempt to make the river permanently navigable for five months in every year, we say, as far as records show, we have had continuous navigation for eleven months average in every year, and during the ten years, 1886-1896, we have had continuous navigability for two periods of two years and nine months and three years and seven months respectively. We hold that it is not fair to reduce the navigability of the river permanently in this way, when, under natural conditions, we have so much greater period of navigability. But if we concede that, in the interests of irrigation, it would be a fair thing to make the river navigable for five months in every year, then we come to the question of the division of the surplus waters. Supposing we conceded that the scheme should make the river navigable for five months in every year, for the five months from February to June, during which the surplus water cannot be taken, the Commission would give

give us 70,000 cubic feet per minute, and, under certain contingencies, much less; whereas during the six driest years ever known (1896-1901) the mean flow was 286,000 cubic feet. So that from 286,000 cubic feet which obtained during the driest period ever known, they would reduce us to 70,000 cubic feet permanently. They would, therefore, put South Australia for all time in a worse position than she was ever before in even during the worst periods of drought, and on an average for ten years of good seasons, they would reduce us from 740,000 cubic feet to 70,000 cubic feet, or by about nine-tenths. The result would be we would have practically no river in South Australia at all. We will be quite willing to concede a permanent navigability for a given number of months during the year in the interests of irrigation, but we must contend for a fair allotment of the surplus water. These are the vital objections that we have to the Report. It would ruin the property of 10,000 people in South Australia; it would ruin quite a large number of towns, and render useless an enormous expenditure in the way of railways. To cut our river down to 70,000 cubic feet per minute would mean absolute disaster to us. For navigation purposes, 230,000 cubic feet per minute is required at the very least, without locking, and this will indicate what use 70,000 cubic feet would be to us. To bring the matter to definite shape, we earnestly hope that the Conference will recommend that the Commonwealth Government be asked to undertake the locking of the river as a national undertaking, and each State to be prepared to do its own conservation. A Commission should be appointed to say how much water each State should take, and each State should bear its own cost for water conservation works.

MR. IRVINE: The obvious objection to that was that South Australia was practically alone interested in navigation. Mr. Gordon's proposal would be that Victoria should borrow £700,000 or £800,000, and pay interest on that amount, in order to maintain navigation for South Australia. Then, in addition to that, we would have to construct our own irrigation works. I do not recede for a moment from the position I have taken up in objecting to the Commission's report. The report is on the assumption that South Australia has a right to the navigability of the river. That assumption practically crippled the whole future of irrigation in Australia. Besides, it seems to me entirely against the law; but without going into the legal question, which we cannot settle here, I should suggest that the basis of any possible arrangement between the three States that might be come to would be something of this kind—that the navigability of the Murray in South Australia might be assured by the construction of a certain number of locks inside South Australia, but if South Australia, for the purpose of maintaining its own navigation, increased the expenditure of the locking of the river, it would incur that expense for the use of the water thus obtained; each State should bear the cost of the works undertaken on its own behalf; but if you throw all the works undertaken by South Australia on the Commonwealth, you practically throw the great bulk of it on New South Wales and Victoria. In order to get the full navigation you would have to go up to the Darling at least, but that navigation would be maintained for the benefit of South Australia.

MR. JENKINS: The navigation of the river is for the benefit of Australia. During the period when the river is navigable vessels pass along the Victorian and New South Wales border to a great extent, as well as South Australia. They go up the Darling for hundreds of miles after they pass our waters.

MR. IRVINE: If New South Wales likes to spend money on the locking of the Darling, well and good, but as far as Victoria is concerned we do not care a button. It would interfere with our railways, and to us would be a very paltry interest.

MR. JENKINS: Our contention is that no State has the right to usurp a great natural watercourse. This is a question of law which cannot be settled here. It is a great natural watercourse for the benefit of the country, and that is how the water should be used.

MR. IRVINE: We could not possibly arrive at any conclusion about the legal rights. Mr. Jenkins has put forward a suggestion whereby the waiving of local rights might enable an agreement to be arrived at. I pointed out that that suggestion would operate very onerously on Victoria. It seems to me our State should bear the cost of that portion of the work from which they derive a benefit.

Sir

Sir John See might be prepared to admit that the locking of the Darling might be a help to many of the New South Wales squatters, but as far as Victoria is concerned the expenditure of £600,000 or £700,000 would be far beyond what I should recommend to be done.

MR. GORDON: If South Australia went to the expense of locking the river within her own borders, and Victoria exercised the right of taking all the water in Victoria, we would be at a loss.

MR. IRVINE: If you think navigation is so important to South Australia that South Australia would be prepared to incur the bulk of the expenditure, with New South Wales, then I think Victoria might fairly be asked to come into it for the purpose of arranging the flow and making a permanent agreement as to the minimum flow to be received.

MR. GORDON: Our contention is, that continuous locking throughout the whole way is necessary. We want a navigable river for the trade which flows from South Australia to Victoria and New South Wales. We want it to the Darling at least.

MR. JENKINS: During the time the river was in flow, there used to be a very large trade right up as far as Swan Hill.

MR. IRVINE: Navigation on that river would interfere with the Victorian railways.

SIR JOHN SEE: Would you place those unfortunate settlers to the disadvantage of having to pay extra railway freight, when by water conveyance they could get their goods to the market so much cheaper?

MR. IRVINE: We must do our best for the country as a whole.

SIR JOHN SEE: Would Queensland come in and share part of the expense?

MR. JENKINS: It is a Commonwealth undertaking. I think all of the States should take part in it.

MR. JAMES: When these works are carried out, will they maintain the present position or confer benefits?

MR. IRVINE: The position is this: that there is a very even flow of water in certain seasons of the year in the Darling, Murrumbidgee, and Murray Rivers, which goes to waste in the sea. This flow enables navigation to be maintained during certain periods of the year. We say we want to use that water for irrigation. South Australia says they must maintain navigation.

MR. JAMES: What would it cost the Federal Government to do the locking?

MR. JENKINS: Over £1,000,000 was their estimate for the locking of the Murray and the Darling.

SIR JOHN SEE: It seems to me that no State has the right to use the waters exclusively. I think the broad contention was that all the waters flowing into the Murray were practically part of the Murray waters. It is illegal to block the natural flow of a river. I suppose, in ordinary seasons, two-thirds of the water passing through South Australia goes to waste. Is it not possible to conserve that water?

MR. IRVINE: You place navigability as the first charge on the water?

MR. GORDON: Yes; we want navigability and a fair share of the water. I think it is one-sixteenth of the surplus water we require.

SIR JOHN SEE: We would have to consider whether the other States would agree to come in, and bear their proportion of any expenditure incurred by the Commonwealth for the benefit of the three States concerned.

MR. IRVINE: If you will turn to section 98 of the Commonwealth Act you will find it reads—

The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

That

That may either mean the regulation of navigation on existing waterways, and the regulation of commerce on existing railways, or it may mean something more—it may mean the maintenance of those lines of communication. And if it means that in one case it means it in the other.

MR. GORDON: You must read that clause in conjunction with the Trade and Commerce Regulations.

SIR JOHN SEE: Victoria has its railways to do that trade which the Darling River could be used for, but trade should always pass through those channels which offer the best facilities and the least expense. If you have to pay an exorbitant price for trade then it becomes unnatural, and it was to avoid this sort of thing that I voted for Federation. Victoria has been taking an enormous amount of our trade for many years past; in fact, they have had nearly the whole of the Riverina. If Victoria is the natural channel for that trade to pass through, then it ought to go through Victoria.

MR. IRVINE: Supposing the Commonwealth Government came along and told us we must keep the channel open at the heads—that we must expend a certain amount of money in doing that; we say we do not want ships of more than 1,000 tons to come in. The Federal Government then come along and say if you do not keep the channel open we will do so, and charge you with the cost. The Commonwealth has not the power to insist upon the States maintaining navigability of the waters. All they have to do is to regulate the trade which passes along those routes.

SIR JOHN SEE: Water is one of the most important things we have to consider in the future. There is an enormous quantity going to waste. How can we use that water to the advantage of the Commonwealth and the States? We want a large quantity of it in New South Wales, and we are prepared to spend a considerable amount of money to get it. Victoria does not want to go back on what she has done; but if the question of riparian rights is a good one, then Victoria has had more than her share. We have to consider whether we wish the Commonwealth to take up the locking of these rivers, or whether we shall attempt to come to some arrangement between ourselves. South Australia cannot benefit to anything like the extent that New South Wales can by any scheme of locking, except in regard to navigation.

MR. JENKINS: Even then New South Wales as a whole benefits as much as we do.

SIR JOHN SEE: The great advantage that we shall derive from any system of locking or conservation will be that we shall be able to diffuse the waters now going to waste, and make them profitable, whereas now they are useless. What we want to do is to see whether we cannot devise some method or recommendation, either as between ourselves or the Federal Government. I think the States will do it better than the Federal Government can. Locking would be a factor in conservation.

MR. IRVINE: The report of the Commission says not.

MR. JENKINS: It cannot be otherwise—you raise your volume of water.

MR. GORDON: If South Australia only receives a small portion of the water she has been accustomed to, it would mean absolute ruin to one of her best districts.

SIR JOHN SEE: It is a small percentage when compared with the great advantages that will accrue if the system as proposed by the Commission be adopted.

MR. GORDON: The advantages to New South Wales and Victoria would be greater than the disadvantages to South Australia?

SIR JOHN SEE: Yes.

MR. GORDON: That ten men will be inconvenienced by one course of action is no justification for robbing the eleventh man.

MR. IRVINE: I do not think the Murray can be considered a great national highway. It must be only temporary.



SECOND DAY, THURSDAY, 16 APRIL, 1903. 2:30 to 6 p.m.

The Murray River Waters and Report of Inter-State Royal Commission—  
(Continuation of discussion).

MR. JENKINS: What we want to know is principally the amount of trade up and down the river as far as South Australia is concerned. Of course, it is not possible to take the last few years as a guide; but in 1882, when the river was used to a greater extent than it is now, the amount of imports from New South Wales and Victoria by way of the Murray was £861,000 worth, and the exports for the same year amounted to £347,000 worth, making a total of upwards of £1,000,000.

MR. JAMES: What year was that?

MR. JENKINS: That was in 1882. It has been falling off since, and during the drought it has fallen off to a great extent.

MR. IRVINE: There has been a steady dwindling trade?

MR. GORDON: Through the tapping of the railways.

MR. IRVINE: That is why it seems to me that any analogy with the Mississippi is not a good one. There you have a straight river, which is not so extremely tortuous, and is always navigable; but here you have an extremely tortuous stream, navigable only under precarious conditions in many years, and the necessity for navigation is continually dwindling as the country develops. Instead of increasing it is dwindling.

MR. JAMES: The value of its navigability is opposed to its irrigation value; and so far as navigation is concerned, the whole value of it apparently goes to one particular State.

SIR JOHN SEE: No.

MR. IRVINE: To some extent to New South Wales.

SIR JOHN SEE: Most of the steamers are owned in Victoria, I think. There is no doubt, if water carriage can be made available, it is the cheapest mode of carriage. It may not at all times suit the particular interest of the State or States, but it is the cheapest method of carriage.

MR. IRVINE: Would it not be desirable to get the experts to ascertain what would be the actual cost of locking the Murray up to the Darling, and then the cost of locking higher than the Darling. I think we might get that, Sir John.

SIR JOHN SEE: Yes. It is very hard to say what will happen in flood-time, and the deeper the river the more capable it is of carrying any surplus waters. That is a very big matter. I have seen the effect of floods. My opinion is that it would be a good thing to preserve the river for navigable purposes. I think it would be a pity to see it destroyed. Of course, at what expenditure that can be done, and at the same time give us that which we desire in the way of water conservation, is more a matter for an engineer to decide than for myself. I am only speaking from what appears to me to be the practical point of view. In the early days the settlers could only reach the markets by the rivers; then greater facilities followed by the construction of railways; but I do not think that is an answer why we should destroy the great highway if we can preserve it. The preservation of it is worth whatever it might cost. At the same time, I am extremely anxious we should come to some conclusion whereby the waste waters can be preserved, because we do not get enough waters ordinarily for the inland requirements, and I suppose the question of storage would become a very important factor.

MR. IRVINE: Is not the real question what it would cost to render the Murray navigable by locking?

SIR JOHN SEE: Perhaps it would be as well if we were to send for Mr. Davis and Mr. Murray, who are members of the inter-State Royal Commission on the River Murray.

MR. IRVINE: Yes.

SIR J.

SIR JOHN SEE: Their opinion may differ from ours; but we want to get out the facts, and we want to get them boiled down.

MR. GORDON: It is very desirable, even from your point of view, Mr. Irvine, to have this thing settled. You will admit your opinion is open to debate, and it would be rather a dangerous thing for the upper riparian States to spend a great deal of money in works of diversion, when the issue might go against them.

MR. IRVINE: Yes.

MR. RASON: Assuming Mr. Irvine's contention to be correct, this scheme would give him the advantage of navigation as well as irrigation.

MR. IRVINE: There is no use my coming to an agreement which I feel my Parliament would not be agreeable to.

MR. GORDON: It is an agreement subject to the will of our Parliaments, unless you were bound by the legal position to do it.

MR. IRVINE: Of course, that would be a question.

(*Mr. J. Davis, New South Wales, and Mr. Stuart Murray, Victoria, Members of the inter-State Royal Commission on the River Murray, have entered the room.*)

MR. IRVINE: Mr. Davis, with regard to the locking of the Murray, you recommended a scheme in your report of the Commission for locking the Murray and the Darling?

*Mr. Davis:* Yes, and a portion of the Murrumbidgee.

MR. IRVINE: Can you give us any idea what the locking of the Murray up to the Darling would cost?

*Mr. Davis:* We could give you that precisely. On page 43 of the Report, it will be seen that the estimated cost for providing locks and weirs for the navigations of the Murray from Blanchetown to State Boundary of South Australia is £600,000, and from the South Australian Boundary to Echuca is £730,000. On page 56 of the Report it will be seen that the estimated cost of locking the Murray from Blanchetown to the junction of the Darling at Wentworth is given at £760,000: We recommend that the Federal Government be invited to consider the desirability of carrying out the locking of the Murray River from Blanchetown to the junction of the Darling River at Wentworth.

MR. IRVINE: That would not render it navigable any further than the Darling?

*Mr. Davis:* No.

MR. IRVINE: What would be the good of that? That would not be of any use at all, as far as the Darling is concerned.

*Mr. Davis:* It would bring you up to the Darling. Sometimes there is a good Darling but not a good Murray, and, as I understood at the Corowa Conference, the South Australian delegates would be satisfied with that.

MR. IRVINE: What flow of water would be necessary to keep those locks? You say six locks would be required from Blanchetown to State Boundary of South Australia: how many more would be required?

*Mr. Davis:* Two more than what we have provided in our estimate.

MR. IRVINE: Say eight or nine locks.

*Mr. Davis:* Yes.

MR. IRVINE: What flow of water would be necessary to keep them full for navigation, with the average trade at the present time? You are taking the maximum trade.

*Mr. Davis:* You want the quantity of water that would be required for navigating the river, assuming that the locks were constructed and full?

MR. IRVINE: Assuming them to be full, and assuming a maximum trade as existing now.

*Mr.*

*Mr. Davis* : It requires per annum, up to Echuca, 574,000,000 cubic feet to navigate the river so far as the locks and evaporation are concerned.

MR. IRVINE : How does that compare with the actual flow of water now ?

*Mr. Davis* : Very small, as compared with the actual flow. I must say that if we place any reliance on the year 1902, the whole thing must of necessity, absolutely break down.

MR. IRVINE : Take an ordinary low year.

*Mr. Davis* : The discharge according to the Morgan gauge, supplied by the South Australian Engineer, was 2,359,000,000 as against 5,000,000,000. The absolutely lowest year was 1902, which I contend was quite out of the question. It was 104,000,000 as against 5,000,000,000.

MR. IRVINE : I suppose you would only want about half ?

*Mr. Davis* : About two-thirds.

MR. IRVINE : Say about 4,000,000,000 ?

*Mr. Davis* : Yes.

MR. IRVINE : You have made an apportionment of the surplus waters, based on the assumption that there are no locks ?

*Mr. Davis* : Yes.

MR. IRVINE : Can you make an apportionment of the surplus waters, assuming that those locks are there ? Where is the apportionment you have made in the Report ?

*Mr. Davis* : It will be found on page 53 ; but I would like to say, Mr. Irvine, that, since the report was handed to the respective Governments, we have had an opportunity of seeing in more detail what our proposals meant ; and from actual figures supplied by the South Australian Government, about which there has been no dispute whatever, and assuming that the navigable volume would be as we recommended, then, with the exception of the years 1886 and 1887, leaving out for the present 1902, there would be ample water to fulfil all the conditions. That is proved beyond question by absolute figures.

MR. IRVINE : Leaving the locking out altogether, and dealing with the surplus waters as you have done on page 53, that should leave enough water to maintain the navigation of the lower regions of the Murray ?

*Mr. Davis* : That is so.

MR. IRVINE : Assuming you have the locking you have a permanent navigation ?

*Mr. Davis* : Yes, it would simply be this : we would require 5,000,000,000 cubic feet per annum to maintain the navigation with the locks, and we would require to go into the question as to what South Australia would need to compensate them for the evaporation that occurs in the locks, and what would be used for water conservation and irrigation and so on.

MR. IRVINE : I do not know whether I am right or not, but I think the simplest way to deal with the question is to take the navigation solely by itself. See what water we would want for that, and then see what surplus water we would have, and then divide the surplus water. Suppose you do as you say, you would only want this comparatively small quantity of water, namely 5,000,000,000 cubic feet, to keep the locking system going ?

*Mr. Davis* : That is so.

MR. IRVINE : To what extent would that enable you to increase the amount of surplus water allotted to New South Wales and Victoria ? Perhaps you had better take Victoria first ; it is simpler.

*Mr. Davis* : So far as South Australia is concerned, the proportion that we arranged that they should have, without regard to navigation at all, was 170,000 cubic feet per minute for the seven months, July to January inclusive, and 70,000 cubic

cubic feet per minute for the five months, February to June inclusive. Then the problem would be this: first of all you would have the 5,000,000,000 cubic feet for navigation; then you would have to add to that the requirements for South Australia, which are given there in cubic feet per minute; and then the balance would be available for the other States.

MR. IRVINE: I suppose I may take it that the 5,000,000,000 cubic feet required simply to keep the locks full would be a very small fraction indeed?

*Mr. Davis:* Yes.

MR. IRVINE: Almost unappreciable, except in dry seasons, such as we have had?

*Mr. Davis:* That is so.

MR. IRVINE: That would very largely increase the amount contributable both to Victoria and New South Wales, even though you left South Australia to the 170,000 for the seven months, July to January inclusive, and 70,000 cubic feet for the five months, February to June inclusive?

*Mr. Davis:* That is so.

MR. IRVINE: Approximately, to what extent would it be increased?

*Mr. Davis:* Taking in round figures the quantity required for navigation, I have already given 5,000,000,000 cubic feet per annum; South Australia's portion would be 72,000,000,000 cubic feet, and the balance would go to the other States. It would be very difficult to say on the spur of the moment what the balance would be, because we have not got it in that form. While we propose to give South Australia 170,000 cubic feet for the seven months, July to January inclusive, and 70,000 for the five months, February to June inclusive, in view of the lakes, we say in the report that we regard the waste of water there as being most unjustifiable.

MR. GORDON: We could cure that by erecting a bar at the mouth.

MR. IRVINE: Leaving that out for the moment, but still sticking to navigation, could you say the amount of water which the Goulburn, the Murrumbidgee, or the Darling ought to contribute towards keeping those locks full?

*Mr. Davis:* We have virtually done that. We have arrived at the basis of what the proportion should be from all these rivers to maintain navigation without locks, and what the proportion should be to maintain navigation with locks.

MR. IRVINE: Leaving the question of evaporation to one side for the present, and dealing with the maintenance of navigation alone: assuming those locks were made as far as the Darling, then you could say, I suppose, that the Goulburn, for instance, must contribute 1,000,000,000 cubic feet, or something like that; then so far as navigation is concerned, we might use all the other waters of the Goulburn for the purpose of irrigation?

*Mr. Davis:* Yes.

MR. IRVINE: Then South Australia will come in and say we want some of that water for the purpose of keeping our lakes sweet, and so on. Would it not be possible to treat navigation separately, provided you have a locking system, and to say that, as far as navigation is concerned, there must be compensation water sent down, and each of these rivers bear proportion of these maintenance locks?

*Mr. Davis:* That would be a very easy matter; in fact, we have contemplated that such an arrangement should be made.

MR. IRVINE: Supposing that compensation water amounted to 1,000,000,000 cubic feet in the course of a year, and we had to send that compensation water down, would that seriously interfere with our Goulburn scheme?

*Mr. Murray:* No, Sir.

MR. IRVINE: It seems to me that would clear the matter a little. As far as Victoria is concerned, we would be quite willing to bind ourselves to send down sufficient compensation water in the proportion ascertained to keep those full. That gets rid of one.

MR.

MR. GORDON : Yes ; that is a very substantial matter. Then all that remains is what would be our share of the surplus waters to keep the lakes sweet and supply our reasonable requirements.

*Mr. Davis* : I do not think there was any difference of opinion as to that. What we felt was that in the meantime we could very well supply water for compensation, and by the time the balance of the water was wholly used in irrigation and water conservation works in New South Wales and Victoria, providing, of course, for the irrigation of South Australia, then something might be done in regard to the lakes themselves. It will be a question of pounds, shillings, and pence.

SIR JOHN SEE : Of what use are the lakes ?

MR. GORDON : There is an enormous settlement all round the banks, and the people depend on the lakes for their supply of water.

MR. IRVINE : They are very shallow.

MR. GORDON : Yes.

SIR JOHN SEE : During a very dry season are they nearly empty ?

MR. GORDON : Oh, no, they are always navigable—at least, over the greater portions of them. When the river supply falls below a certain quantity the sea breaks into the lakes and makes them salt.

SIR JOHN SEE : Could you not build a dam ?

MR. GORDON : No ; because in flood-time a lot of the water runs out to sea. We would rather have the water salt than have no water at all. We must have water coming down and keeping the lakes sweet.

SIR JOHN SEE : Has it often happened that the water gets salt ?

MR. GORDON : In a year like 1902 the water is salt, not only in the lakes but in the river. The sea water simply flows in by gravitation.

*Mr. Davis* : I think the wind has a great deal to do with it.

MR. GORDON : The river flows into the sea, and the tides are all round, and the result is the lakes become too salt for cattle to drink.

MR. IRVINE : It does seem an unreasonable thing to say that you must have a great quantity of water and deprive country, that will grow crops, of water, and bring it down to make good this enormous evaporation in these shallow lakes.

MR. GORDON : The lakes are surrounded by first class agricultural ground, and there are large settlements on the banks of them. The whole of the shores of the lakes are occupied by farms and pastoral holdings, all dependent on the lakes for their supply of water.

MR. IRVINE : Suppose you had no absolute legal right, then the question would simply be, I should think, as to whether it is not infinitely better to pay these people compensation. Then the question arises as to who ought to join in paying compensation. We want to find the total amount of water that will be available, and the best way it can be used for supplying the greatest number of people with it. I should have thought that by supplying it to make good the enormous evaporation that takes place in these shallow lakes was the most wasteful possible way.

*Mr. Davis* : There would be no trouble at all ; there would be ample water with 70,000 cubic feet per minute.

MR. IRVINE : What would 70,000 cubic feet per minute come to during the year ?

*Mr. Davis* : It would amount to 50,000,000,000, or, in 1896, which is the year we took as the minimum, it would be about one-sixth of the total flow.

MR. IRVINE : That is an enormous amount ; ten times the amount required to keep up the navigation.

*Mr. Davis* : As I have already pointed out, we felt that the waste of water was not justifiable.

MR.

MR. GORDON : You mean that the water could be put to a better use further up ?

*Mr. Davis :* To water a few dozen sheep at the expense of the enormous quantity of water—and it only means comparatively a few dozen sheep—seems to me to be out of all proportion to the good done.

MR. IRVINE : Would it not be possible to construct a channel which would fill the public dams with water for domestic and stock purposes, and let the lakes go ?

MR. JENKINS : Did you consider that, Mr. Davis ?

*Mr. Davis :* We considered various schemes for bringing the trade from the river to Victor Harbour, but we did not consider a scheme for carrying the water from there round the edge of the lakes.

MR. IRVINE : In order to prevent evaporation, you would need to have some channel cut either round or through the middle of the lakes.

*Mr. Davis :* We feel that, in years to come, even supposing for the moment sufficient water is sent down to maintain the level of the lakes, and to maintain the lakes fresh, in view of the large quantity required for evaporation, some such arrangement will have to be made, because the requirements of New South Wales and Victoria will absolutely necessitate it; but I do not think it will arise for the next fifteen years.

MR. IRVINE (*to Mr. Murray*) : Do you think so, Mr. Murray ?

*Mr. Murray :* I say longer.

SIR JOHN SEE : What is the area of these lakes ?

MR. GORDON : About 50 square miles.

SIR JOHN SEE : If they were reclaimed would they be useful for agriculture ?

MR. GORDON : There is no scheme of water conservation that would keep the water back in flood time, as it overwhelms everything; the water comes down at a terrific pace.

SIR JOHN SEE : Is it possible to reclaim these lakes ?

*Mr. Murray :* Oh, yes.

SIR JOHN SEE : That would be a very much cheaper way than to keep them supplied with water ?

*Mr. Davis :* Yes. When the time comes, it will be worth while for New South Wales and Victoria, for the extra water they will get, to assist South Australia to do something of the kind.

MR. GORDON : That would mean compensation to the people from whom the water was cut off.

MR. IRVINE : Does not it come to this—as far as the engineering question is concerned, that may be put aside for the present, there being no necessity to intrench for many years upon that supply of water,—that the river up to the Darling could be locked at an expenditure of £760,000, and that compensation water could be sent down from the various streams. No matter how far irrigation proceeds, there would be quite sufficient water to keep those locks full. The whole question seems to be cut down to this: where the money is to be found for making those locks, and whether it is worth while for the Commonwealth or any of the States to do it.

MR. GORDON : It seems to me it would not be a heavy matter for the Commonwealth, because so far as Victoria's share is concerned its expense would be so much reduced in connection with detached schemes of water conservation. Suppose, for the sake of argument, Victoria had the right to divert as much water as she chose, some works would be necessary to enable that to be done ?

*Mr. Davis :* Yes, but it would scarcely apply to any works in Victoria.

MR. IRVINE : It would be of no advantage whatever to us. Locking the river up to the Darling would be of no advantage to us in our conservation schemes, Mr. Murray.

*Mr.*

*Mr. Murray* : I do not think it would be at any time.

MR. GORDON : Would it not assist diversion ?

*Mr. Murray* : It might.

*Mr. Davis* : We have left that out of consideration. We felt that in fixing locks they should not be fixed for water conservation, but for navigation; and the best position should be selected for the locks with a view to navigation, leaving the other question to take care of itself.

MR. JENKINS : The chances are it would give them opportunities of diverting water.

*Mr. Davis* : Very few. We thought we should leave that matter out altogether.

MR. GORDON : What do you think your proportion of the £760,000 would come to, Mr. Irvine ?

MR. IRVINE : Our proportion of the £760,000 would come to about one-third, namely, £250,000. I do not think our Parliament would touch it.

SIR JOHN SEE : How much is your Goulburn scheme going to cost you ?

MR. IRVINE : Do you mean the contracts which have been entered into at present ?

SIR JOHN SEE : Yes.

MR. IRVINE : About £280,000; but there are other contracts which will ultimately come to over a million.

SIR JOHN SEE (*to Mr. Davis*) : I suppose it would take about three years to carry out the scheme which will cost £760,000 ?

*Mr. Davis* : Fully.

SIR JOHN SEE : It cannot be imagined that any undertaking like this will be carried out unless it is spread over a number of years.

MR. IRVINE : As far as the State finances are concerned, it would be a dead loss to us to lock the river between Echuca and the South Australian Border.

SIR JOHN SEE : You do not feel disposed to join in a recommendation that it be a Commonwealth matter, Mr. Irvine ?

MR. IRVINE : I think the other States should be asked first.

MR. PHILP : I do not feel justified in asking our Parliament to expend anything. It would not be a benefit to Queensland.

MR. NICHOLLS : We are far removed from the whole thing.

SIR JOHN SEE (*to Mr. Davis*) : South Australia would have navigation during seven months of the year under normal conditions, and during a wet season they would have navigation all the year.

*Mr. Davis* : Yes. I have a statement here showing the navigable number of months in each year since 1884, under the conditions laid down by the Commission, assuming that the quantity of water was diverted by New South Wales and Victoria as stated in our report :—

In 1884	there would have been	7	navigable months.
1885	do	4	do
1886	do	5	do
1887	do	12	do
1888	do	12	do
1889	do	7	do
1890	do	12	do
1891	do	12	do
1892	do	11	do
1893	do	12	do
1894	do	12	do
1895	do	12	do
1896	do	10	do

and then from 1897 to 1901, inclusive, 7 months. In 1902, of course, it would have failed.

SIR

SIR JOHN SEE: That was a most exceptional year.

*Mr. Davis*: Yes. Showing that the data, assuming it to be reliable, warranted what we recommended.

SIR JOHN SEE: Is the Murray navigable now?

MR. JENKINS: No.

MR. IRVINE: What I agree to is always to allow compensation water to go down the Goulburn, which is the only main tributary we have of the Murray, sufficient to preserve the navigability of the river under locking conditions.

MR. JAMES: Do you approach this matter as a right, or do you approach it as a matter of what is fair?

MR. IRVINE: I look upon the two as synonymous. What measure of fairness have you but what is right? It would be highly unfair, for instance, if we were to waste great quantities of water and thus injure South Australia.

SIR JOHN SEE: What is the difference to South Australia whether you use it or waste it; how are you to benefit them?

MR. IRVINE: What do you want me to do?

MR. PHILP: Mr. Gordon wants the Commonwealth to do the whole thing.

SIR JOHN SEE: You have laid down the principle that you are entitled to all the waters that run through Victoria.

MR. IRVINE: Yes. I do not think there is any danger to South Australia, unless those big storage works on the Upper Murray are constructed.

SIR JOHN SEE: Then, if you have that right, we have the same right in New South Wales. We could do our business cheaper than by locking, but I do not feel like that; I would rather show a Commonwealth spirit.

MR. IRVINE: What do you want me to do?

MR. GORDON: What we want you to do is to join in a recommendation to the Commonwealth to do the locking, costing roughly £800,000, and that the river should then be placed under the control of a Commission, which should be authorised to control and adjust the allotment of surplus water on a basis to be fixed beforehand—that New South Wales should have so much, Victoria so much, and South Australia so much,—and that agreement having been arrived at, the control of the scheme should be vested in an independent body, who should see that each State did not take more than that allowed.

MR. JAMES: Supposing you eliminated the first part, and asked us to join in having these rivers placed under a Commission?

MR. GORDON: I am quite agreeable to that: provided, first, that the navigability should be sustained; and, secondly, that we should have a fair share of the surplus water. Take the six driest years we have had, viz., from 1896 to 1901; the mean flow during the five months from February to June was 286,000 cubic feet a minute, of which you would give us 70,000 cubic feet; and take the period of ten years, from 1886 to 1896, we had a mean flow of 740,000 cubic feet, and you would give us only 170,000 cubic feet.

*Mr. Davis*: Taking the mean flow of 286,000 cubic feet a minute during the six lowest years, that is not a navigable flow; and, secondly, anything over the requirements for lakes and irrigation works would flow out to sea and be wasted. In the other case, where you have given the mean flow as 740,000 cubic feet per minute, assuming it was 350,000, that would be ample to satisfy all the requirements so far as diversion is concerned for New South Wales and Victoria. Then there is another important factor—that while, under the present conditions, the river is not under control, it is not supposed these diversions will be made until there are four reservoirs established. All that is left out of consideration; therefore it is scarcely fair to put it in that way.

MR. GORDON: I am only too pleased to hear your argument, but are you not ignoring the fact that, in addition to the navigable flow,—we will take your first proposition



proposition, that 286,000 cubic feet a minute is not a navigable flow,—there are always the chances that we shall be establishing, as well as Victoria and New South Wales, irrigation schemes; and if you cut us down to 70,000 cubic feet, leaving out for the moment the question of navigability, you are depriving us of any chance of establishing those works.

*Mr. Davis*: The 70,000 cubic feet per minute would be sufficient; and then there would be an abundant supply during the seven months, which would recoup you for any loss sustained during the five months.

MR. GORDON: We are asked to take the chance, and you have the certainty. We do not intend to be placed in that position.

*Mr. Davis*: I am sure I am speaking for the Commission when I say that that was not the way we approached the subject, nor was it the way we left it.

MR. GORDON: We think that is the conclusion.

SIR JOHN SEE: You think that will be the result.

MR. GORDON: We think so. It seems to me, Mr. Davis, that if during the six driest years our mean flow was 286,000 cubic feet, and you cut us down to 70,000, we shall suffer.

MR. JENKINS (*to Mr. Davis*): Are not they practically using that water in Victoria without going in for their heavy extensive works?

*Mr. Davis*: No. The quantity of water that is used in Victoria—and I have fully investigated the matter—has no appreciable effect on the flow of the river as far as navigation is concerned.

MR. JENKINS: It would have if 350,000 cubic feet were required for navigation, and they were using 50,000.

*Mr. Davis*: But they are not.

MR. JENKINS: But their schemes provide for using a good deal more; and they say they are practically using 30,000 cubic feet now, and it is direct from the Murray, not the Goulburn.

MR. GORDON: They are pumping direct from the Murray channel.

*Mr. Davis*: I would like to call attention to one aspect of the report—I suppose you have seen it—and that is this: We had a certain data in arriving at our conclusions—some very reliable from Victoria, some not so reliable from New South Wales,—and we used that in coming to our conclusions. We had no other data to go upon. Should investigation show that the data we had at our disposal was wrong, then we have made ample provision in our proposals contained in the report for the apportionment we recommended to be amended. Until fresh data is at hand it is impossible, so far as I can see, to make any other apportionment than the one we have made.

MR. GORDON: You do not dispute the figures I have given, namely, that from 1896 to 1901 our mean flow, from February to June, was 286,000 cubic feet per minute; you do not dispute that?

*Mr. Davis*: We do not dispute that, but I would like you to bear in mind what I said in reply to the figures you gave.

MR. GORDON: Your scheme would cut us down during the five months from February to June to a minimum of 70,000 cubic feet per minute?

*Mr. Davis*: It would cut you down to your requirements.

MR. GORDON: To 70,000 cubic feet per minute?

*Mr. Davis*: To your requirements. That is a maximum.

MR. GORDON: A maximum of 70,000 instead of 286,000?

*Mr. Davis*: Yes.

MR. GORDON: Your reason is that all above 70,000 is wasted?

*Mr. Davis*: Yes.

Mr.

MR. GORDON : That is where we disagree with you.

MR. IRVINE : You must admit a very large quantity is wasted ?

MR. GORDON : Yes ; after serving useful purposes, such as keeping the lakes sweet and supplying stock, some goes to waste.

MR. IRVINE : Yes, but during the winter flow all the surplus water of the Murray rushes past and keeps your lakes sweet but it rushes out to sea.

MR. GORDON : We contend we are entitled to have navigability if there is a sufficient natural flow. So far as nature will do it, we are entitled to have our water and our lakes kept sweet.

MR. IRVINE : Would any cheaper system of locking be of any assistance ? Would fewer locks preserve the navigability Mr. Davis ?

*Mr. Davis* : No.

MR. IRVINE : Not even if you made the locks higher ?

SIR JOHN SEE : What distance are they apart ?

*Mr. Davis* : They vary. Between No. 1 and No. 2, 45 miles; between 2 and 3, 43.75 miles; between 3 and 4, 33.25 miles, and so on. The average length of pool is 31 miles.

MR. IRVINE : Mr. Jenkins, I think we might leave the whole question of the construction of the Bungowannah and Cumberoona works, as far as Victoria is concerned, till a later period, because unless New South Wales is prepared to bear the bulk of the expense we should not want them. Personally, I do not feel disposed to recommend those schemes. The cost is enormous, and until that question becomes a practical one it is unnecessary to come to any determination. If Sir John See is not prepared to enter into any kind of agreement then this question does not arise in its practical form.

SIR JOHN SEE : What we wanted to arrive at was some general principle of dealing with the Murray waters. That, I think, was the object of bringing it before the Conference. We must have some general principle, and that was the object I had in view. When I was at Corowa, and we discussed the matter, we had no data to go upon, and we thought it advisable to appoint a Commission to go into the matter. If we began any particular scheme which could not be carried out to completion, and we had to stop half-way, it would be a considerable loss of money. I should like, if we could, to come to some general understanding. If we can do that, then we will have done something. There is no doubt a terrible waste of water is going on which ought to be utilised.

MR. JENKINS : Suppose we put in front of the Conference something like this :—

“That this Conference is of opinion—

- “ (1) That the Federal Government should be respectfully asked to undertake as a Commonwealth scheme, the locking of the River Murray from Wentworth to Blanchetown, to secure the permanent navigability of the river.
- “ (2) That, after this work is completed, the States of New South Wales, Victoria, and South Australia should respectively bear the cost of conservation and irrigation schemes within their own borders.
- “ (3) That the water not required for maintaining navigation shall be allotted as follows :—A minimum of 70,000 cubic feet per minute to be allowed to flow into South Australia and the balance to be divided equally between New South Wales and Victoria.
- “ (4) That an independent permanent Commission be appointed by the Federal Executive, with authority to maintain these conditions.”

I would move that.

MR. JAMES : I will second that.

SIR JOHN SEE : Supposing that were carried, is it a fair distribution of the water? MR.

MR. JENKINS: That is practically the distribution of the Commission.

Mr. Davis: No, our distribution is two-thirds to New South Wales and one-third to Victoria.

MR. NICHOLLS: Does this resolution propose to refer to the three States interested, or is it proposed to make it a Commonwealth matter, in which the whole of the States shall bear portion of the expense.

MR. JAMES: It will have to be done by the States concerned; we cannot do it.

SIR JOHN SEE: Had not you better add to it the estimated cost of the locking?

MR. GORDON: You might add to that "as recommended by the inter-State Royal Commission on the River Murray." Supposing it were agreed to by the Conference, each Government would submit the scheme to its own Parliament, and then each State would send it on to the Commonwealth Parliament.

MR. IRVINE (to Mr. Murray): Is this allocation on page 53 of the report, two-thirds to New South Wales and one-third to Victoria?

Mr. Murray: Approximately.

MR. IRVINE: This is in proportion to the contributing area?

Mr. Murray: Yes.

MR. NICHOLLS: Before the motion is put, I would like to understand whether it is intended to mean that this is to be a Commonwealth work in the ordinary acceptation of the word, or whether it is intended to submit it under subsection xxxvii of section 51 as a matter referred by the States particularly interested.

MR. IRVINE: Both. It is clear the expense of the scheme would fall on the whole of the Commonwealth.

MR. JENKINS: The expense of the locking scheme would fall on the whole of the Commonwealth.

MR. NICHOLLS: I am perfectly sure, if it could be shown that it is a matter affecting the whole Commonwealth, there is no doubt as to the steps Tasmania would take in the matter.

SIR ARTHUR RUTLEDGE: I am very much afraid that the scheme suggested would not be accepted by Queensland.

MR. IRVINE: I must say I have a good deal of apprehension about inviting the Federal Parliament to incur the expenditure. It really carries with it the locking of the Darling and the Murray up to Echuca, and that is practically inviting the Federal Government to incur an expenditure of two and a half millions.

*After some further discussion, the Chairman (Sir John See) read the motion proposed by Mr. Jenkins, and seconded by Mr. James, as amended, as follows:—*

"That this Conference is of opinion—

"(1) That the Federal Government should be respectfully asked to undertake, as a Commonwealth scheme, the locking of the River Murray from Wentworth to Blanchetown, to secure the permanent navigability of the river.

"(2) That, after this work is completed, the States of New South Wales, Victoria, and South Australia should respectively bear the cost of conservation and irrigation schemes within their own borders.

"(3) That the water not required for maintaining navigation shall be allotted as follows:—A minimum of 70,000 cubic feet per minute to be allowed to flow into South Australia, and the balance to be divided between New South Wales and Victoria as follows: Two-thirds to New South Wales, and one-third to Victoria.

"(4) That an independent permanent Commission be appointed by the Federal Executive, with authority to maintain these conditions."

Question put,—Ayes: Sir John See, Mr. Jenkins, and Mr. James.

Noes: Mr. Irvine, Mr. Philp, and Mr. Nicholls.

SIR JOHN SEE: Now, can we modify it in any way.

MR. GORDON: If we could agree that the river should be kept navigable, and that no State could do anything to prevent the navigability, then the distribution of the surplus waters would be more a matter between the three States, which, I think, we could adjust without any trouble at all.

SIR JOHN SEE (*to Mr. Davis*): Without the construction of these locks, would it be possible to maintain navigability?

*Mr. Davis*: We contend, and I think we can show, that the navigability would be secured without the locks, even supposing the amount we recommend be diverted. There will be facilities for navigation, as there was before diversion took place. In other words, what is proposed in the report is to develop the surplus water over and above what is required to maintain navigability.

SIR JOHN SEE: Does not that meet the case? Is it not better to have that than none at all?

MR. GORDON: We are not only in no better position than we were, but we think we are worse off. We claim now that we are entitled to a navigable river for every month during which nature would render it navigable. The scheme of the Commission is at a limit of seven months a year, whereas we might have a whole year.

*Mr. Davis*: That is scarcely according to fact, because we do not propose to limit the navigability to seven months. We do propose to make that the minimum for the months mentioned; but, as I read out to the Conference, if you take the years from 1884 to 1902, you will find that during half of that period, even supposing the water we propose to take had been diverted, the river would have been navigable for twelve months in the year, and during the other half of that period for seven months in the year.

MR. GORDON: Do you admit that it is highly possible, if your scheme is not carried out, we should have a river navigable more often than we would have if your scheme is carried out?

*Mr. Davis*: No. We say that diverting the water as we propose will not interfere with the navigability. Supposing we do interfere with the navigability, then we have suggested there should be a sliding scale, and each State should do with less.

MR. GORDON: And South Australia with immensely less than she has been accustomed to.

SIR JOHN SEE: Would it not be better to substantially move the resolution as proposed by the Commission?

MR. IRVINE: I do not agree with the proposal of the Commission. It seems to me, looking at it from a Commonwealth point of view, and looking at it from the point of view of the three States as one, that navigation dwindles unappreciably compared with irrigation. It is important to South Australia, but its importance to South Australia is not supreme compared with the importance of irrigation to us. It seems to me a fair way to do it is to place the works necessary for navigation and works necessary for irrigation on exactly the same basis. Let the State in whose territory they have to be made pay for them and let the upper States always allow a sufficient amount of water to go down and keep those locks full, so as to be perfectly safe, and let South Australia have her 70,000 cubic feet per minute in addition. It may be said that it would be a heavy expense on South Australia to construct her own weirs for her own navigation, but it is extremely expensive to Victoria to construct her irrigation works. The navigation of the lower regions is almost exclusively for the benefit of South Australia, just as our works are for the benefit of Victoria and New South Wales.

MR. GORDON: I should like to remove any misapprehension that may be founded on this proposal as to our having 70,000 cubic feet per minute. We wish it to be clearly understood that it is much less than we are entitled to by nature. If it came to a simple question of what is our fair share of the water without locking, we could never agree to take 70,000 cubic feet per minute.

MR.

MR. IRVINE : I understand that; but excepting there be some locking, I fear it will be impossible to arrive at any distribution. If you think it is necessary for the benefit of South Australia to keep up navigability, it must be kept up by the construction of locks in South Australia; then the upper States could supply you with water for the purpose.

MR. JENKINS : Taking it on that line of argument, would you agree to locking the river to make it navigable to its full extent towards Victoria?

MR. IRVINE : Towards Echuca?

MR. JENKINS : Yes.

MR. IRVINE : No; it would be for Victoria to consider whether it should incur the cost of these works in that territory.

MR. JENKINS : Of course it would be useless to agree to locking, as far as South Australia is concerned, unless you locked it and secured it afterwards.

MR. GORDON : Our principal fight is to maintain navigation.

MR. JENKINS : The trade would be of as much benefit to Victoria and New South Wales as it would to us.

SIR JOHN SEE : In the way of cheapness to the producer—that is, if he could get a cheaper exit from the Murray it would be an advantage to him.

MR. GORDON : We grow an enormous quantity of wheat which can only be taken by boat, and the whole of that industry has grown upon the faith of the river carriage.

MR. IRVINE : That is why it is so important to South Australia. We had to expend enormous sums of money to make it useful to us; why should not you spend money to make use of it for navigation? Does it not seem an absurd thing that, for the purpose of keeping up navigation, vast volumes of water must every year rush past into the sea and be lost? There is no way of keeping up that navigation without wasting ten times the water that is necessary unless you lock it; and if South Australia thinks it is necessary to keep up that navigation she ought to pay for it. We have to pay for it.

MR. GORDON : It might clear the present situation if New South Wales and Victoria would agree to send us down, without any locking, a minimum of 300,000 cubic feet per minute.

MR. IRVINE : All the year round?

MR. GORDON : When it is available. Our mean flow was 286,000 cubic feet per minute during the six lowest years.

MR. IRVINE : That is very different from the minimum.

Mr. Davis : It would not be practicable to do what Mr. Gordon suggests.

MR. GORDON : What do Mr. Davis and Mr. Murray think, leaving everything out of the question, is a fair quantity to send down to South Australia as conditions are now?

Mr. Davis : I think 70,000 cubic feet per minute is a fair proportion.

SIR JOHN SEE : As a minimum flow?

Mr. Davis : Mr. Gordon said leaving locking, navigation, and everything out. I think, under those conditions, 70,000 cubic feet per minute should be the maximum. 70,000 cubic feet per minute is all that they could use.

MR. GORDON : Do you know what is coming down?

Mr. Davis : About 100,000 cubic feet per minute.

MR. GORDON : 130,000, and the river is salt and the lakes are salt.

MR. IRVINE : Supposing you send down a minimum of 100,000?

Mr. Davis : They would not be able to use the whole of it.

Mr.

MR. JENKINS: Why could we not? Could we not put up pumps to the same extent as they do in other places? Since you have been up the river they are pumping, and many other schemes are being promoted.

*Mr. Davis:* There is no doubt you can put up pumps and pump the water out of the river, but those pumps and pumping would cost money. When I say you could not use it, I mean you could not use it to pay you to use it.

MR. GORDON: That is absolutely contradicted by facts.

*Mr. Davis:* The land itself is so limited.

MR. JENKINS: They are pumping from a barge, which they remove from place to place, and they are growing maize, lucerne, and general crops.

SIR JOHN SEE: What is the area under cultivation?

MR. JENKINS: There is from 100 to 150 acres under cultivation, and there is a lot of similar land which can be cultivated.

MR. IRVINE: Mr. Murray, I understand the 70,000 minimum is for the months from February to June?

*Mr. Murray:* Yes.

MR. IRVINE: Now, supposing you increase that by 30,000 cubic feet per minute during those months under the proposal for the distribution of the surplus water, that would take away 10,000 cubic feet per minute from Victoria during those six months. Would that interfere with the existing drawings of water by Victoria during the six months?

*Mr. Murray:* It would depend upon the storage.

MR. IRVINE: I know; it is during the other months you would fill your storage?

*Mr. Murray:* Yes. I do not think it would interfere with us for some years, but it would probably entail storage before a very long time. About 300,000 cubic feet a minute would be about half of the whole volume of a typical low year.

MR. GORDON: We should all suffer then.

MR. IRVINE: What I was going to suggest is that there be an agreement between the three States, say, for five or six years, as to the allocation of these waters. I should be prepared, as far as Victoria is concerned, to increase the minimum from 70,000 to 100,000 cubic feet per minute for South Australia during that period; then the balance could be distributed between New South Wales and Victoria.

MR. GORDON: In the driest years we have 280,000 cubic feet per minute.

MR. IRVINE: You are speaking of the mean flow. You must fix a minimum flow throughout the year, or two minimum flows at various periods of the year. You cannot base it upon the mean flow.

SIR JOHN SEE: The minimum flow is the one that concerns us. You want 300,000 cubic feet per minute?

MR. GORDON: 300,000 cubic feet per minute is about one-third of the total volume in a mean year.

MR. IRVINE: What I suggest is this: that South Australia should have 170,000 cubic feet per minute during seven months, and 100,000 cubic feet per minute during five months, and an agreement be made between the three States; such agreement to last five years.

SIR JOHN SEE: Was not this supposed to be taken in connection with the locking?

MR. IRVINE: Oh, no; I do not think it is at all likely we shall come down to that, as far as Victoria is concerned.

MR. GORDON: Our difficulty in agreeing to an arrangement of that sort is this: we consider navigation is the major proposition. We would like to confine our arrangement to a distribution of water over and above what is required for navigation; and we cannot depart from this position, that that river must be maintained navigable

navigable so long as nature will leave it to be navigable. That is our mooring, and we shall not shift from it. After that is provided for we are willing to agree to any reasonable allotment of water.

MR. IRVINE: I would like to put my proposition in writing after I have consulted the Engineer on the matter, and submit it to-morrow.

[*It was decided to defer further consideration of this subject until the following day.*]

### Effect of Federal Postage Rates Act on Land and Income Tax Assessment Act of New South Wales.

Mr. Pollock: Under the local Land and Income Tax Act all returns are sent in without requiring to be stamped. A taxpayer can send in his return without paying postage. Since the Federal Act was passed, they require to be stamped. It affects more than one State.

MR. IRVINE: Do you mean that the returns are sent in to the Commissioners of Taxation, and they charge postage?

Mr. Pollock: The people themselves pay it. Mr. Wise's opinion on this matter is as follows:—

5 November, 1902.

My opinion is desired as to the effect of the Federal Postage and Telegraph Rates Act, which came into operation on the 1st instance, upon the provisions of section 30 (vii) of the Land and Income Tax Assessment Act.

That subsection provides:—

(vii) All returns required to be furnished under this Act shall be delivered at, or sent by registered letter to, the prescribed address, and all returns so posted shall be carried and registered free of charge.

The Federal Postage and Telegraph Rates Act requires all postage to be prepaid, and a similar provision relating to registration is contained in the Federal Postage Act (No. 12, 1901, S. 38).

It is apparent that the provisions of the Federal Acts are in conflict with the latter portion of the section of the local Act now under consideration; and, in my opinion, that portion of the section of the local Act being inconsistent with those provisions (within the meaning of section 109 of the Commonwealth Constitution Act) is, therefore, invalid. Section 109 enacts:—

109. Where a law of a State is inconsistent with a law of the Commonwealth the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

As the Federal Parliament has, under section 51 (b), a power to legislate concerning "Postal, Telegraphic, Telephonic, and other like services," the provisions as to the prepayment of postage and registration charges must be observed when any returns are registered and sent by post.

The remaining question to be considered is whether the provisions of section 30 (vii) requiring these returns to be registered, if not delivered at the prescribed address, are still in operation, now that the enactments declaring that this service shall be free of charge are no longer in force.

The duty imposed by this section upon the taxpayer of posting the returns in a certain manner does not in any way depend upon the fact whether the law requires him to pay for this service or not.

The Federal Parliament has no power to legislate with regard to the manner in which a local taxpayer is required to forward the necessary returns for the purpose of the local Act, and, therefore, no law of the Commonwealth can indirectly have that effect.

My opinion is, that when returns are posted under section 30 (vii) registration is still necessary, and that the registration fee and postage must be paid by the person forwarding such return.

B. R. WISE,  
Attorney-General.

MR. GORDON: I agree with that.

Mr. Pollock: It seems to be absolute common-sense.

[*The sentiments expressed in the Attorney-General's letter were agreed to.*]

### Administration of Signal Stations by the Committee of Lloyds.

SIR JOHN SEE: I will read the letter received from the Secretary, Department of Navigation, in reference to this matter:—

Department of Navigation,  
Sydney, 18 November, 1902.

*Re* administration of Signal Stations by the Committee of Lloyds.

AMONGST the attached papers will be found a letter from the Prime Minister of the Commonwealth and another from the Premier of Western Australia, asking what steps the Government of this State propose to take with regard to the question of administration, on a common basis, of the signal stations along this coast by the Committee of Lloyds.

The Superintendent has had the correspondence submitted to him, but there is nothing to show upon what terms it is proposed that Lloyds should administer the services, how the officers are to be paid, whether the property, &c., is to be taken over by the Committee; and generally, the Superintendent considers that more detailed information as to the scheme proposed should be submitted, in order that some conclusion may be formed as to the utility and practicability of the proposition.

NORMAN C. LOCKHART,  
Secretary.

I think you know something about this, Mr. James? I suppose the Federal Government will take over the Navigation Department?

MR. JAMES: Mr. Leake wrote to you on the 7th January, 1902, and this letter of mine, dated 30th July, 1902, is simply drawing your attention to that letter.

MR. GORDON: The following is the letter which was sent by the Prime Minister to the Honorable the Premier of New South Wales:—

Commonwealth of Australia, Department of External Affairs,  
Melbourne, 16 August, 1901.

Sir,

I have the honor to inform you that His Excellency the Governor-General is in receipt of a communication from the Committee of "Lloyds," in which it is recommended that arrangements should be made by which the whole of the signal stations in Australasia could be administered on one common basis, so far, at least, as commercial maritime purposes are concerned. A copy of that communication is enclosed.

The suggestion commends itself to serious consideration, but pending the transfer of the lighthouses, &c., to the Commonwealth, it seems to me that the matter is one which may well receive the consideration of the Governments of the respective States, and I therefore refer the subject to you accordingly.

I have, &c.,  
EDMUND BARTON.

The communication from the Committee of Lloyds reads as follows:—

My Lord,

"Lloyds," London, E.C., 29 May, 1901.

I am instructed by the Committee of Lloyds to beg that you will be so good as to give favourable consideration to the following matter.

As your Lordship is doubtless aware, the Corporation of Lloyds has established and maintains the great majority of the signal stations in the United Kingdom and British Colonies. I append for your Lordship's information, and for facility of reference, a list of the signal stations maintained and administered by Lloyds.

It is apparent that, for commercial and other reasons, it must be of great advantage that all signal stations, which are utilised for the collection and distribution of commercial maritime intelligence, should be administered on one common system.

An organisation of this nature facilitates commercial transactions, since ship-owners, consignees, charterers, and others interested in vessels or their cargoes can, by simply sending one message to a central organisation such as Lloyds, have telegraphic instructions sent to all signal stations, so that a vessel which appears off any signal station in the system receives the orders intended for her.

At present Lloyds has signal stations at Goode Island, in the Torres Straits, and at Breaksea Island (King George's Sound), and it is understood that probably arrangements may be made by which Lloyds may undertake commercial maritime signalling at West Cape Howe, Cape Leeuwin, and Rottnest Island.

It would appear that it would be of great advantage if some arrangements could be made by which the whole of the signal stations in Australasia could be administered on one common basis, as far at least as commercial maritime purposes are concerned; and my Committee trust that your Lordship will be so good as to give this matter favourable consideration with a view of some arrangements being arrived at by which all the signal stations in Western Australia could, for commercial maritime purposes, be placed in harmony and conjunction with Lloyds and Lloyds' signal stations in other parts of the world.

I have, &c.,  
HENRY M. HOZIER,

To His Excellency the Governor-General.

Secretary.

MR. IRVINE: Are they Government signal stations?

SIR JOHN SEE: We have our own signal stations.

MR. PHILP: We have one attached to one of our lighthouses.

MR. JENKINS: I think it is a matter that might be dealt with by the Federal Government.

MR. JAMES: Is not this the position: that whereas the State used to maintain a man who did the work, Lloyds now maintain a man?

MR. PHILP: We must have a man there too.

SIR JOHN SEE: I will see Captain Edie, Superintendent, Department of Navigation, on the matter, and ask him his opinion about it.

[No further discussion on this subject took place.]



THIRD DAY, FRIDAY, 17 APRIL, 1903. 4 to 6.15 p.m.

The Murray River Waters and Report of Inter-State Royal Commission thereon—  
(Continuation of discussion).

MR. IRVINE: I will read what the Engineers have to say on the matter:—

It is to be assumed, pending more precise ascertainment of the facts by gauging and other proper investigation, that the natural discharges of the Murray and its tributaries, and the natural losses therefrom during a typical year of low rainfall and low river discharge, are as stated at page 11 of the Report of the inter-State Commission.

It is also assumed that the volume necessary for maintenance of navigation at Morgan in South Australia is 337,000 cubic feet per minute—that is to say, that this volume is the equivalent of 4 feet on the Morgan gauge, or of a total depth of 6 feet in the river there.

Should the facts prove to be otherwise than as above assumed, the volumes assigned to the several States, in the resolutions following, will be varied to accord with the facts; and should the volumes of discharge in any year be less than those tabulated for a typical low year, the assigned volumes will be reduced *pro rata*, as provided in Resolution 1 (d); and it shall be the duty of the Commission to make the necessary variations and reductions accordingly.

The Resolutions in Cap. XI of the inter-State Commission's Report are adopted, subject to the foregoing, and to the following emendations:—

- Resolution 1 (a)—370,000 to be altered to 340,000.  
 „ 1 (c)—70,000 „ „ 100,000.  
 „ 1 (d)—70,000 „ „ 100,000.  
 „ 2 (b)—240,000, 127,000, and 70,000, to be respectively 220,000, 117,000 and 100,000.  
 „ 2 (a)—The figures herein to be reduced to agree with the alterations in (b) namely, 180,000 and 67,000 respectively to 160,000 and 57,000.

Resolution 1 (a) of the Commission's Report reads:—

The navigation of the lower part of the main river, and of certain portions of the larger tributaries, will eventually be provided for by the construction of locks and weirs. Until the initiation of such a system of works, the upper riparian States shall restrict their total diversions to about 440,000 cubic feet per minute for seven months, from July to January inclusive, and during the months from February to June, inclusive, shall restrict their total diversions to about 370,000 cubic feet per minute.

370,000 cubic feet per minute would be altered to 340,000 cubic feet per minute.  
 Resolution 1 (c) of the Commission's Report reads:—

The requirements of South Australia, in respect of water to be sent down the river channel by the upper riparian States for supply, and to make good losses by percolation and evaporation in the river, and in the Lakes at its mouth, shall be for the seven months, July to January, inclusive, 170,000 cubic feet per minute, and for the five months, February to June, inclusive, 70,000 cubic feet per minute.

The 70,000 cubic feet per minute in that case would be altered to 100,000; then alterations would require to be made to Resolutions 1 (d), 2 (b), and 2 (c), as set out in the Engineers' statement. Our proposal is—and I do not think it would be possible for us to bind our Governments to go any further—that that agreement should hold for five years—that it should be expressed in the resolutions and in the agreement between the three Governments that it is without prejudice to any rights or to the determination of rights or claims with regard to the general distribution of the water after that period. I think that is practically the suggestion I made yesterday afternoon. As far as Victoria is concerned, I should be prepared to go further, and I think Sir John See should do the same if it could be embodied. I think I could safely say that during that time there shall be no works constructed which would require more water to be drawn off. (To Mr. Murray): It would be safe for us to do that?

Mr. Murray: I should say so.

MR. JENKINS: Supposing we entered into any agreement for five years, would not the dangerous part be that at the end of the five years, assuming the policy of Victoria would be the same as you say, so far as the use of the waters are concerned, they would practically proceed with other works and destroy all the plantations or irrigation works we had started on the Murray? We would be worse off at the end of the sixth year than we are now.

MR. IRVINE: Why?

MR.

MR. JENKINS: Because you would destroy the capital we had invested in irrigation works along the river. I would like to have time to look over this proposal. I think we might go on with other matters and let Mr. Gordon and myself have a look further into this matter before we finally deal with the question.

MR. IRVINE: I do not think we could possibly enter into a permanent agreement. I suggested a temporary agreement as being the only possible mode of having any agreement, and the question for South Australia to consider seems to me to be whether it is not better to have this or to let us all fight it out.

MR. JENKINS: This embodies a considerable alteration to what we were discussing, and it might be advisable for Mr. Gordon and myself to have a little time to look into it, and the matter could come on again later.

**Terms upon which the States are to be compensated for Properties taken over by the Commonwealth—(Continuation of discussion).**

MR. IRVINE: I will read the Draft Resolution that has been arrived at by Mr. Gordon and the Solicitor-General, Mr. Pollock. It is as follows:—

“In the opinion of this Conference, the following principles should be applied to the acquisition by the Commonwealth of the property used, but not exclusively used, in connection with a transferred Department:—

“(a) A building in which any room or rooms were, on the 1st April, 1900, used in connection with a transferred Department, and any room or rooms in connection with a Department not transferred, should be acquired under subsection II of section 85 of the Constitution.

“(b) Where there were separate buildings on one block of land, some of which were exclusively used in connection with a transferred Department, and some exclusively used in connection with a Department not transferred, the buildings exclusively used in connection with the transferred Department should be acquired under subsection I of section 85; and should the Commonwealth desire to acquire the same, the other buildings on the said land should be acquired under subsection II.

“(c) In the case mentioned in paragraph (b), should any dispute arise as to the area of land which should properly go with any building or buildings, the question shall be settled by arbitration.”

After a short discussion it was unanimously resolved, on the motion of Mr. Gordon, that:—

“In the opinion of this Conference, the following principles should be applied to the acquisition by the Commonwealth of the properties of the States:—

“(a) A building which, at the date of the transfer of any Department, contained any room or rooms used in connection with the transferred Department, and also any room or rooms used in connection with a Department not transferred, falls properly within subsection II of section 85 of the Constitution as being property ‘used, but not exclusively used, in connection with a transferred Department.’

“(b) Where there are separate buildings on one block of land, some of which were exclusively used in connection with a transferred Department, and some exclusively used in connection with a Department not transferred, the buildings exclusively used in connection with the transferred Department should be deemed to have become vested in the Commonwealth under subsection I of section 85. Should the Commonwealth desire to acquire the other buildings on the said land, the same should be acquired under subsection II of section 85. Should any dispute arise as to the area of land which should properly go with any building or buildings, the question should be settled by arbitration.”

It

It was further unanimously resolved, on the motion of Mr. JENKINS, that—

“(1) In the opinion of this Conference, all property used exclusively in connection with a transferred Department, which vests in the Commonwealth, under section 85, subsection 1, should be compensated for by (a) payment in cash, or (b) payment in Commonwealth bonds bearing interest at  $3\frac{1}{2}$  per cent.

“(2) Should any dispute arise as to the amount of compensation payable, the same should be referred to a tribunal consisting of two arbitrators, one appointed by the Commonwealth and one by the State concerned, and an umpire, to be a Judge of the Supreme Court of such State, appointed by the Commonwealth. The decision of this tribunal to be final.”

### Printing of Federal Electoral Rolls.

MR. PHILP: We have been asked to tender by hand and by linotype, but they have not given us the order to print the rolls yet.

MR. IRVINE: Do they propose to do it in any other way?

MR. PHILP: They have asked for a quotation, and we have supplied them with it.

SIR JOHN SEE: On the 18th February last, Sir William Lyne wrote to me as follows:—

My dear Sir John,

Department of Home Affairs, Sydney, 18 February, 1903.

I am in receipt of your letter of to-day's date, enclosing a statement of representations made on behalf of the New South Wales Typographical Association in regard to the work of printing the New South Wales rolls for the Federal elections.

In view of the minute I wrote, and the statements I have repeatedly made, I cannot understand the unrest regarding the printing of the rolls. Long ago, I decided that the Federal rolls for each State would be printed in the respective States, but, of course, the charges must not be unreasonable.

I am well aware of the capabilities of the Printing Office of this State, and have not the slightest doubt of the work being efficiently performed.

Yours, &c.,

WILLIAM JOHN LYNE.

They only ought to be exactly what they cost. We do not run our Printing Office on commercial lines; we run it on exactly what it costs.

MR. JENKINS: We sent them back a copy of our existing rolls that we have for our State elections, and stated that if it could be conducted on the same lines as our own rolls we could do it so much cheaper.

SIR JOHN SEE: Have not these Federal rolls been printed yet?

MR. PHILP: No; they are still collecting the names. I think it is desirable that they should be printed in each State.

SIR JOHN SEE: That is exactly what Sir William Lyne says in his letter.

MR. IRVINE: It seems to me a formal resolution by the Premiers' Conference would be considered an interference with their rights.

MR. JENKINS: I think we had better not do anything.

[Agreed to.]

THIRD DAY, FRIDAY, 17th APRIL, 1903. 7 to 10.30 p.m.

**Erection of Buildings by Federal Government, the cost of which is to be met from Revenue of States.**

SIR ARTHUR RUTLEDGE: The Federal Government have been enlarging, improving, and repairing Post Offices in various parts of the country, and paying for this out of Queensland revenue.

MR. IRVINE: I do not think they have any right whatever to do that. I do not think they have done that in Victoria.

MR. JAMES: What view would the Conference take;—would you say any enlargements should be treated as new expenditure?

MR. IRVINE: Yes; nothing more than the payment of all salaries and the maintenance and repairing of buildings as they stand, should be charged to State revenue.

SIR ARTHUR RUTLEDGE: Queensland stands in a somewhat different position to the other States. We have built most of our State buildings out of revenue, and I think we stand alone in that respect. Most of the other States used loan moneys.

MR. JAMES: That is not the case with Western Australia.

*[Mr. Philp being absent, this matter was allowed to stand over for the present.]*

#### Proposed Line of Railway to Western Australia.

MR. JAMES: I think we might make a suggestion that the Federal Government should incur the cost in this matter.

SIR JOHN SEE: Is it not premature to discuss this matter until we have more data to go upon.

MR. JAMES: I will take the opportunity of handing each member of the Conference a copy of the printed memorandum which I have had made up in connection with this matter, and I will move that the memorandum be taken as read:

*[Agreed.]*

1. The distance from Fremantle (the chief port of Western Australia) to Port Augusta (the nearest point on the South Australian Railway System) is 1,487 miles.

The distance is made up as follows:—

Fremantle to Kalgoorlie, 387 miles.

Kalgoorlie to the Border, 475 miles.

The Border to Port Augusta, 625 miles.

A railway is laid and in full working operation between Fremantle and Kalgoorlie, a distance of 387 miles. From Port Augusta to Adelaide, a distance of 259 miles, a line is in full working operation.

The extent of the line to be constructed from Kalgoorlie to Port Augusta is 1,100 miles.

2. The engineering questions which arise in connection with the construction of this suggested line have been dealt with in reports by—

(a) The late Engineer-in-Chief of Western Australia (Mr. C. Y. O'Connor); and by

(b) The Engineers' Conference which recently sat in Melbourne.

The report of the late Mr. O'Connor was based upon a long and practical acquaintance with the cost of railway construction in localities similar to that which the proposed line will traverse. His estimates as to probable receipts were based on the statistical returns published by the State from time to time, and showing the volume of freight and passenger traffic to and from Western Australia.

Western Australia, some time ago, and after the report of Mr. O'Connor, equipped a survey party under the leadership of Mr. Muir, the Inspecting Railway Surveyor—a man of wide experience and reputation. This party examined the route to ascertain the cost of construction and the class of country. Western Australia has also for some time past had, and still has, an engineer and party on the proposed route for the purpose of testing the water supply. It was upon the data obtained by these parties, and upon the published trade returns, that the recent Engineers' Conference based its report.

That

That report states that the line can be built on the 4 ft. 8½ in. gauge, with 70 lb. rails, for a sum of £5,000,000, inclusive of the interest on loans during course of construction; that the probable estimated revenue would be £205,860, leaving a loss, after payment of interest and working expenses, of £86,696 per annum. The report, however, proceeds to point out that the development of Western Australia is proceeding at a rate which justifies the confident anticipation that, within ten years after the opening of the line, the returns will show a net profit of upwards of £20,000 per annum after payment of all working expenses and interest.

The Report states: "Further investigation of the sources of expected revenue would probably lead to our being able to increase these estimates."

This report very largely confirms the earlier report of the late Mr. C. Y. O'Connor.

Some of the Engineers who recently sat in conference, are about to visit the route of the proposed line, and their further report will be based upon data acquired at first hand. There can be little doubt that this examination will lead to reduced estimates of cost and increased estimates of revenue.

3. Breaks of gauge will occur at Kalgoorlie, Port Augusta, and Terowie; but these objectionable features could be lessened by—

- (a) Western Australia building a 4 ft. 8½ in. line from Freemantle to Kalgoorlie; and by
- (b) South Australia making provision to enable 4 ft. 8½ in. rolling stock to run from Port Augusta to Terowie.

A break of gauge at Terowie or Adelaide is unavoidable, until the standard gauge is in use between Adelaide and Albury.

Western Australia would, it is believed, be prepared to provide a 4 ft. 8½ in. line to Kalgoorlie at once should such a work be immediately necessary; in any case that State would not be long in carrying out such a work, because convinced of its necessity as part of the main scheme and because also of local traffic necessities.

The extent to which South Australia would be prepared to go in making the necessary changes between Port Augusta and Terowie is for the Government of the State to decide. It is, however, confidently believed that the early success of the line would render this work necessary and commend it to South Australia.

4. The construction of this line is urged by Western Australia on two main grounds:—

- 1st. As a work, the construction of which can alone make federation a reality for Western Australia—make her in fact, and not merely geographically, an integral portion of the Commonwealth; and
- 2nd. As a work which will alone provide for that freedom of trade, commerce, and intercourse between the Eastern States and the Western State which is an essential to complete federation.

5. The first ground is one upon which the facts of geography leave no need or room for argument. No mere appeal to the existing territorial connection will convince the resident West Australian that he lives in an integral part of the Commonwealth. His own daily experience proves to him that the very extent of that territory cuts him off from the east, and from that community of trade, commerce, and intercourse which alone justifies the federal compact.

To leave one-third of the Continent, with its rapidly-increasing population and expanding trade, without adequate means of protection, without adequate means of inter-State transit, and without adequate regard to the State's enormous resources, is a position intolerable to those who realise the duties, as well as the privileges, of federation. The ignorance and indifference in relation to Western Australia, which is so prevalent in the east, is due to the isolation which surrounds that State. A railway can alone destroy that isolation, and with it that ignorance which promises, if unchecked, to breed in the west a distrust of, and indifference towards, that union which makes no effort to extend its benefits to those who have gladly accepted and borne its burdens.

There can be no real union whilst Western Australia is separated from the east by 1,100 miles of territory untraversed by a railway.

6. In dealing with the second ground upon which this work is urged, it may not be out of place to state, as tending to create a truer idea of the western State, that—

- (a) Its population numbers 220,000 people, of whom an exceptionally large proportion are adult males.
- (b) Its territory embraces an area of upwards of 640,000,000 acres, and comprises almost one-third of the Continent.
- (c) Its revenue amounts to upwards of £3,600,000 per annum, although no income or land tax has yet been imposed.
- (d) Its Savings Bank shows a sum of nearly £2,000,000 to the credit of depositors, while the ordinary banks have local assets of £6,000,000.
- (e) Its imports amount to upwards of £6,000,000 per annum, and its exports to upwards of £9,000,000 per annum.
- (f) It has paid upwards of £7,000,000 in dividends from gold-mines, and last year paid no less than £1,423,272.
- (g) It has upwards of 400,000 cattle and 3,000,000 sheep, and more than 250,000 acres of land under cultivation. Its pastoral leases comprise upwards of 95,000,000 acres.
- (h) It produces almost a million bushels of wheat, yielding an evenly distributed average of 10 bushels to the acre.
- (i) It exports half-a-million pounds worth of timber and half-a-million pounds worth of wool.

These facts should serve to impress upon all those interested in the Commonwealth, not only the sound position of Western Australia, but the solid and permanent basis upon which that prosperity rests. The development now going on so rapidly in connection with agriculture will soon approach, if not out-ride, the magnificent mineral development and will yield almost as great a return.

It is desirable to bear in mind the facts already mentioned in relation to Western Australia, because they point so unmistakably to a steady and continuous growth in the development of that State. A conception of the position as it stands to-day need not be clouded by apprehensions as to the future.

7. The passenger traffic between east and west is an important element in the consideration of the present question.

A sea journey from Freemantle to Adelaide involves four days by mail steamer and five days by coastal steamer; from Adelaide a train can be taken. Should, however, the steamer be kept to, the additional time involved is much longer proportionately, owing to stoppages at each port after the mail is once delivered. The time element alone is, however, of less weight as a deterrent than is the fact of a sea voyage and its consequent discomforts to at least 75 per cent. of travellers.

Over 30,000 passages are taken between the east and the west each year. The number is an increasing one, but quite disproportionate to what it would be were the journey shorter and free from the terrors of sea-sickness.

The proposed railway would take sixty hours to pass from Freemantle to Adelaide; the passage now takes from 100 to 150 hours. Moreover, the population on the Eastern Gold-fields amounts to upwards of 60,000 (mostly male adults), and these form by far the greater portion of those passing to and fro between east and west. These people reside at least 400 miles to the east of Freemantle, and when coming east, have to travel to that port, wait to catch a steamer, and then commence a sea voyage of four or five days' duration. From the time these residents leave home until they reach Adelaide, a period of from six to seven days passes. By railway journey these people could arrive at Adelaide forty-eight hours, after leaving Kalgoorlie, representing a saving of from four to five days.

The saving in every such case is enormous, and the advantages of the railway over a sea trip to all those who desire to come east from the fields, and also to those who desire to go from the east to the fields.

8. The passenger traffic is by no means exclusive. The earlier delivery of the mails will justify a liberal mail subsidy, while the termination of the oversea mail contract at Freemantle should reduce the existing mail steamer subsidy.

9. The goods traffic will be appreciable from the start, and will grow as the inter-State commerce expands. Very few people in the eastern States appreciate the value of the western market and the extent to which it has benefited the eastern manufacturer and producer. In 1892 Western Australia imported from the eastern States to the extent of £654,417; in 1901 to the extent of £2,559,020. This increase is the more striking when it is remembered that Western Australia each year imports its oversea requirements more largely from Europe direct, instead of doing so through Adelaide, Melbourne and Sydney as in the past.

In 1902 Western Australia imported no less than £873,338 of agricultural produce from the east, and £264,416 from New Zealand. In addition to the above importations, not less than £278,183 was paid for cattle imported. This enormous importation goes very largely to the gold-fields, which for all time will continue to be a purely consuming population. Already that importation has to undergo a railway journey from Freemantle of at least 387 miles. The proposed railway would avoid that.

In relation to all goods and passenger traffic with the Eastern Gold-fields of Western Australia, with its population of 65,000, it cannot be denied that the railway offers to producer and consumer distinct and obvious advantages over any possible steamer service.

The volume of eastern imports passing into Western Australia should increase very largely when the Western Australia Sliding Scale ceases: that will be the position long before the line could be completed.

10. In submitting this memorandum to the Conference, it is desired to place before the Ministers present an outline of the work in which Western Australia is so deeply interested and to solicit a consideration of the facts submitted.

Any work which would lessen the existing obstacles in the path of free intercourse between the people of the various States is essentially one which best serves federal ends. In that connection the Commonwealth has no more urgent duty than that of connecting east and west by railway communication.

It may be confidently stated that few if any State railways have been undertaken upon more satisfactory estimates than those submitted: where the probable loss has, having regard to the cost involved, been proportionately less; where the probable benefits have been proportionately as great, and where the indirect benefits far transcend those that could possibly flow from any purely State work.

#### State and Federal Loans.

MR. IRVINE: This is a large question, but it is one which I think we will have to go into to some extent, and initiate a movement in favour of the assumption by the Federal Government of a proportion of the loans of the various States. It has nothing whatever to do with the borrowing of the States. Victoria has a large loan coming on which she will have to provide for at the end of the year on her own account, and take the disadvantages of going on the money market at so unfavourable a time as the present. But the importance of this particular question arises from the fact that we are coming to a time—and the time is passing very rapidly—when the Braddon clause will become inoperative; and we have already had fairly sufficient indication of the intention of the Federal Government—and which is inevitable in any case as soon as that restriction is removed—to increase their expenditure in various directions. There are the Defence arrangements, which offer a large scope for increased expenditure; and everything points to the fact that the

the Braddon clause has a very serious hampering influence over the Federal Government in dealing with a number of matters transferred to them. It has been strongly urged in Victoria that the provisions of section 105 of the Constitution ought to be put into force, and the Commonwealth Parliament invited to take over a proportion of the debts of the States. They cannot assume the debts of any particular State, but only a proportionate part of the debts of all the States together, according to their population. One great advantage of this would be, that if they took over any considerable portion, it would relieve us of the tremendous financial embarrassment in which we shall be involved at the expiration of the Braddon period. The whole of the States would be practically driven to direct taxation to a very large extent, and the question which the people will have to decide is either whether the Braddon clause, or something equivalent to it, ought not to be perpetuated, involving a Constitutional change, or whether the same thing practically would not be effected by the assumption by the Federal Government of a large portion of the existing debts of the various States. This has nothing whatever to do with the assumption of taking over of the public works. I do not know what the views of the other States are, but, certainly, Victoria is very strongly opposed to vesting in the Federal Government the authority to deal with the public works of Victoria.

MR. JENKINS: I think that opinion is general just now.

MR. IRVINE: We consider that the States are far better qualified to deal economically and effectually with our public works.

SIR JOHN SEE: What do your remarks particularly apply to?

MR. IRVINE: To the assumption by the Commonwealth of a portion of the debts of the States, so that the Commonwealth should become the debtor of a portion of the national debt of each State, thus being obliged to expend a large portion of the Custom's revenue in the payment of interest on the debts, which is equivalent to the perpetuation of the Braddon clause, and offers at least partial protection to the finances of the States.

MR. JENKINS: Would the Commonwealth raise this objection—that the States ask them to take over so many millions of their debt and have no asset to show for it?

MR. IRVINE: It is very probable they would; but the fact of their raising that question does not preclude the matter at all. I do not suppose that any recommendation that we might make now would be likely to lead to the Commonwealth accepting that recommendation at the present time. But what I do think is, that we ought to accentuate the necessity of bringing before the public, in the most emphatic way possible, the necessity of ultimately preserving to the States the protection which they at present have under the Braddon clause. The matter for consideration is that when the period of the Braddon clause expires the States will be absolutely at the mercy of the Federal Treasurer. Federal expenditure will gradually encroach upon the three-fourths now retained to the States, and the various States will be driven into more and more stringent forms of direct taxation. Of course in New South Wales it is not felt yet, but we in Victoria have a very narrow margin of revenue, and we have to get our revenue by very drastic measures of direct taxation, and the feeling is growing rapidly that we should not be doing our duty unless we look forward to making some protection in the time to come, when we shall be left to the mercy of the Commonwealth Treasurer. The Federal Government will probably say, if we want them to take over the debts they will also take over the works. That is an utterly illogical position. Those debts were incurred upon the security of the revenue of the States. The great bulk of the revenues have been handed over to the Federal Government, and it does not affect the security at all. The Customs are the main portion of the security on which these loans were borrowed, and this very trouble was anticipated by the Convention when framing the Act, and I think section 105 is to be read side by side with the Braddon clause. For a certain time the Braddon clause was a protection given to the States during the ten years' period; the Commonwealth get one-fourth, and the States three-fourths. When that ceases to operate we shall be in absolute financial confusion in the States. During the ten years' period the Constitution contemplates that the Federal Parliament will take over from the States their public debts;

it

it does not mean borrowing of money for the States, but to take over the liability of the States' public debts; and section 105 provides that when the Federal Government take over the debts, they must pay the interest out of their proportion of the Customs revenue. I feel confident that our recommendation, if we agree to one on this subject, would not lead to any immediate result with regard to the Federal Government; but I feel equally confident that if we put the matter strongly, and the reasons for this movement become public throughout the States, especially at the present time, it will lead to a very strong feeling in favour of this section being put into operation, and the States being ultimately safeguarded in order to prevent the direct taxation which the States will be compelled to impose. But I want to emphasise that this is in no way connected with the assumption by the Federal Government of the works or assets of the States. When this was discussed at the Convention that very aspect of the question was considered—as to whether the Federal Parliament should take over from the States a proportion of the assets on which the debts were incurred,—and it was decided that the Federal Parliament should become the public debtor instead of the States, and would apply the bulk of the Customs revenue handed over to them towards meeting the expense instead of the States having to resort to direct taxation. We must take early action in this matter in order to educate the people upon the subject. If we were to allow the matter to wait until a short time before the expiration of the ten years' period it would be quite impracticable to bring pressure to bear on the Federal Government to do it.

SIR JOHN SEE: You really propose to keep up the Braddon clause?

MR. IRVINE: Without changing the Constitution.

MR. JENKINS: It would need Commonwealth legislation to give effect to the intention that a certain portion of the Customs revenue should be utilised for the purpose of paying the interest on the debts.

MR. IRVINE: That would be the effect; the actual result would be that the Commonwealth would legislate for taking over a proportion of the States' debts. It would be necessary to take the State least indebted as the basis according to population.

SIR JOHN SEE: That is not exactly in accordance with the Braddon clause—the population basis. The Braddon clause says in accordance with the revenue collected in the respective States. It might become a very serious matter for some of the States, and very advantageous to others.

MR. IRVINE: I do not think so.

SIR JOHN SEE: Take section 105:—

The Parliament may take over from the States their public debts as existing at the establishment of the Commonwealth, or a proportion thereof, according to the respective numbers of their people, as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency, or the whole amount, shall be paid by the several States.

SIR ARTHUR RUTLEDGE: The portion taken over is regulated by the population.

SIR JOHN SEE: It is not on a population basis now. The Commonwealth retain one-fourth of the revenue collected in the respective States, and the latter get three-fourths.

SIR ARTHUR RUTLEDGE: None of that is appropriated to the payment of interest on the public debts.

MR. IRVINE: On the Accounts question, I think we must take into consideration sections 87 and 93. During the book-keeping period (five years), each State is credited with the revenue collected in it, and debited with actual expenses. It does not state that you are to return to New South Wales three-fourths of the revenue collected in New South Wales, and Victoria three-fourths of the revenue collected there, and so on, but to return the whole of the revenue collected in Victoria and New South Wales, less the expenditure. Outside of that altogether, it says your  
gross



gross expenditure practically must not exceed one-fourth of your gross Customs revenue. Section 93; subsection II, says:—

The Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

Supposing they took over from the various States the amount of their various debts, proportionate to their population, and paid, under subsection (b), as other expenditure, the interest upon same, that would harmonise matters.

SIR ARTHUR RUTLEDGE : The balance coming to any State might be very small ; there may be no balance at all.

SIR JOHN SEE : If it is not intended to benefit any particular State, why not allow the Constitution to take its course ?

MR. IRVINE : The effect of the Constitution taking its own course would be that at the expiration of seven or eight years we would be absolutely at the mercy of the Federal Government.

SIR JOHN SEE : Then this State may lose, or another State may lose ; they cannot all lose. If the Federal Government do that which the people did not intend, Parliament will not tolerate it. After a certain period, they will have the sole power of distributing the taxation as they think proper. The Braddon clause was intended, for ten years from the commencement of federation, to give the States the same conditions in regard to revenue that obtained before, less one-fourth ;—not necessarily one-fourth, because if they did not want one-fourth they would not keep it. But I cannot see the reason of the Federal Government being asked to take over the debts of the States unless they also take over our assets.

MR. JAMES : I understand from what Mr. Irvine has stated that whilst the Braddon clause remains the States have a certain protection against Federal extravagance, because they cannot expend more than one-fourth. At the expiration of that period it is quite competent for them to expend all their revenue. They take an enormous asset from us without a corresponding liability. They therefore have in their possession the bulk of the Federal revenue, and at the end of the book-keeping period the Commonwealth will be able to do what they like with the revenue.

SIR JOHN SEE : That is, according to the will of the people.

MR. JAMES : As a Commonwealth, they can do what they like. It is quite competent for them to expend the money on a Navy or the Military, and leave us as a State to find the necessary money to pay the interest on our debts.

MR. IRVINE : And they would do that. As a State we could not prevent them.

SIR JOHN SEE : The great bulk of our State debts have been incurred on public works. Are you prepared to hand over your public works, or allow the Federal Government to interfere with them in any way ? If not, what security would they have ?

MR. IRVINE : One of the main objects why, as States, we entered into Federation at all was that the credit of the Commonwealth would be better than the credit of any one State.

SIR JOHN SEE : I do not think so.

MR. IRVINE : Was it not strongly urged that the Commonwealth would be able to give greater security to the money-lenders than any one State could give, notwithstanding the fact that they have public works and lands with which they can deal ? And all the debates will show that it was suggested that, instead of giving the power to the Federal Parliament, it should be put in the Constitution that the Commonwealth should take over a proportion of the debts, and apply the Customs revenue towards meeting the interest. The objection to the public works being handed over was raised by Mr. Holder, who said it would be practically making a present to the English investor of the Commonwealth security instead of the security of one of the States.

SIR JOHN SEE : Would it not be far better to boldly say we believe in the Braddon clause ?

MR.

MR. IRVINE: No; that would necessitate a change in the Constitution.

SIR ARTHUR RUTLEDGE: It has been mooted in several of the States that it would be a good thing to sell our railways to private companies, also our public works; but there is a good deal to say on both sides. But assuming that the States thought desirable to sell all their railways and public works to corporations or private companies, where then is there any other security for the public creditor except the right of the Government to impose taxation? That is the real security.

MR. IRVINE: And the bulk of that power has been transferred to the Federal Government.

MR. GORDON: It is an invitation to the people of the Commonwealth to tie their own hands. You would have to send in to Parliament men pledged to it.

MR. IRVINE: The feeling throughout several of the States—certainly Victoria, and I think also Tasmania—is that there is grave danger in the future of an increase in direct taxation, which ought to be avoided. If we can point out to the public in a concise form that we are coming to a precipice, and in order to avoid falling over that precipice it is necessary to take some precautionary steps—if the Premiers of the respective States, clothed with the responsibilities of their Treasuries, clearly and emphatically make such a representation to the public, it must carry great weight throughout the States, and would lay the foundation for subsequent action in that direction. I am now proposing to launch the idea in an emphatic manner. It would be a great restraint on the moral of the States.

SIR JOHN SEE: Supposing we had a war, and we were called upon to contribute largely towards that, would they take the revenue that is necessary to carry on the States' ordinary business arrangements, or would they do as the British Government has done, and all other Governments, viz., go into the money market primarily for the purpose of carrying out that particular work? It would have been impossible for the British Government to set apart £250,000,000 out of their revenue for the purpose of carrying out the South African war. And the same would apply to the Commonwealth and everybody else. If you are called upon to bear an extraordinary expenditure like this, there is no sane-minded man in the country would expect the ordinary revenue to meet it. The primary object which led me to vote for Federation was that I wanted intercolonial freetrade: I wanted to bring the interests of the States together and get rid of trade influences, and to bring about a community of interests in regard to defence. I was quite prepared after that to let matters adjust themselves, and I think it would be quite premature on the part of this Conference to pass any resolution in this respect, and practically ask the Federal Parliament to commit themselves to the same conditions that obtained before the consummation of federation. As far as I am concerned about State interests, I should be very sorry indeed to give my voice to the handing over of the railways; I would not hand over any of our public works. I would not hand over to the Commonwealth anything in the shape of the control of our public lands; because I think the States can better attend to these matters than the Commonwealth could. Supposing the Commonwealth were asked to deal with some gigantic undertaking concerning Western Australia, what would they know about it? And if Western Australia relied on the Commonwealth to deal fairly with them, they have six representatives, and the representatives of the other States might look upon the proposal as extravagant expenditure.

MR. IRVINE: As regards the proposal being premature, I would say, it is only by educating public sentiment that you can possibly do anything at all in the matter. The Federal Parliament will not act upon our recommendation at once.

SIR JOHN SEE: Do not you think that the same thing will apply in regard to the Commonwealth as now applies to the States;—they will be the custodian of the wealth of the States? Are we going to suppose that the Commonwealth are going to be extravagant?

MR. IRVINE: Whenever there is a huge surplus, it is generally the way.

SIR JOHN SEE: If they have not got the money, they cannot spend it; and if they have the money and it is necessary to spend it, they spend it. For a great many years Victoria was favoured with much more favourable conditions than we were,

were, and they went in for a large system of railways; then Western and South Australia and the other States did the same; and we have all reached that stage now when we have gone into partnership. We shall still work for the individual advantage of the State in which we live; but I am quite sure of this, that so far as borrowing money is concerned on the absolute assets of the separate States, the States themselves can borrow as cheaply as the Commonwealth can, and manage their own affairs more economically.

MR. IRVINE: The invariable tendency in Victoria has been to increase expenditure. Whenever there has been a surplus, or a chance of a surplus, up went the expenditure. But we have been endeavouring recently to carry out this new system of federation on more economical lines, and make them as permanent as we can. We find the Federal Government in receipt of revenue, the bulk of which has been hypothecated to the payment of interest on our debts, but which suddenly after a few years will fall entirely in their hands, so that every year they will no doubt have a surplus vastly greater than all the revenues of the States put together: Is it not reasonable then to suppose that the same kind of Parliamentary and political influence will be at work when the Federal Government finds itself with this immense amount of money available to vote, without any responsibility whatever except the ultimate accounting to the electors to which we are all subject, to gradually expand its expenditure and shove the States—financially speaking—against the wall?

SIR JOHN SEE: What can they spend the money on?

MR. PHILP: I certainly think the sooner we tackle this three-fourths question the better. If Sir William Lyne was Treasurer now instead of Sir George Turner, double the expenditure would have been incurred than has been to date.

SIR JOHN SEE: But the Treasurer is responsible to his Ministerial colleagues. What I understand the intention of Mr. Irvine to be is to pin the Commonwealth Parliament down to the same refund of the Customs and Excise duties after the Braddon clause as the States receive now. In plain terms, it is the continuation of the Braddon clause.

MR. IRVINE: I think the small States are likely to suffer most. But supposing we could achieve what I am advocating, it would practically hypothecate the whole of the Customs revenue to paying the expenditure as at present of the Federal Government, or about one-fourth of its own expenditure. The three-fourths now returned would be hypothecated to the payment of interest on the bulk of our debts. Then, supposing some great national necessity for expenditure arose, how is the Federal Government to get the money? If they raised it by taxation, or appealed to the people for contributions, they must go direct to the people for that purpose.

SIR JOHN SEE: Supposing the action of the Federal Government was to put the States in difficulties, they are responsible to the people.

MR. IRVINE: I cannot conceive any possible arrangement of political powers more likely to lead to gross extravagance than one Government being vested with enormous revenue—ininitely more than it wants for its ordinary purposes—and the surplus to be returned to other Governments. That surplus would gradually dwindle down to nothing.

MR. PHILP: At present they have no financial responsibility at all.

SIR JOHN SEE: If that is the feeling I should say we made a mistake in going into federation.

MR. IRVINE: Look at the Braddon clause:—

During the period of ten years after the establishment of the Commonwealth, and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of Customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure. The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.

The very thing is contemplated. The question is whether we ought not, at this stage, to ask the Commonwealth to put that clause into effect.

SIR JOHN SEE: Was that not intended to insure those States which had imposed certain duties and were coming into the confederacy, that they would receive an equivalent revenue for ten years after the inauguration of federation to what they received before?

MR. IRVINE: That might have been one reason.

SIR JOHN SEE: I admit that there are lots of anomalies in the Federal Constitution. In the light of our experience during the past few years we could probably suggest many alterations if we went through the Act.

MR. IRVINE: Surely the clause means what it says. It is a protection to the finances of the States during that period prior to the taking over by the Federal Parliament of the debts as contemplated.

MR. JAMES: Supposing the Federal Parliament said, "We will take over your debts to the extent of £10 or £20 per head of population,"—would you raise any objection?

SIR JOHN SEE: I am not quite sure what the bearing would be upon it.

MR. IRVINE: I think, as it is a big subject, it might be allowed to stand over until later on in the Conference.

MR. GORDON: Perhaps Mr. Irvine would prepare a short memorandum on the subject.

SIR JOHN SEE: The States have to indemnify the Commonwealth in the case of debts taken over.

MR. IRVINE: Only in the case of a deficiency. Supposing they went on until the Braddon clause comes to an end. In each year the Federal Treasurer would have to bring his expenditure within his one-fourth of that revenue unless he resorted to direct taxation; but after that period, unless they took over the States' debts and applied the three-fourths to the payment of interest, instead of paying it into the States' Treasuries, the Federal Treasurer could come along and say: Our federal expenditure last year was £2,000,000; we are going to put on another million this year. He could say that without the slightest difficulty if he suddenly finds himself with £4,000,000 or £5,000,000 more surplus revenue in his hands. But supposing that surplus revenue was hypothecated to the payment of our interest, then the Federal Government would have to say: We are going to provide for the other million by coming to the State Treasurer for a recoup. But such a thing would never pass the Senate. The Senate would never allow it to go through, and there would thus be more reliable conditions of steady finance in the Federal Parliament. Before closing the discussion for to-day I would like to point out that the Federal Government would derive some benefit in taking over our debts in this way—that if they could borrow money more cheaply than the States, say at 3 per cent., and convert the loans, that would be a direct advantage to them.

SIR JOHN SEE: I do not think they could.

MR. IRVINE: They think they can. I will bring forward a memorandum on this subject later on.

#### **Exclusion of Members of State Parliaments from Candidature for Federal Parliament.**

MR. IRVINE: Victoria is in a very peculiar position in regard to this matter. In Victoria we passed a Bill—imprudent in its language, I think—preventing any Member of the Federal Parliament from becoming a candidate, or being nominated a candidate, for the State Parliament. The main object was to provide for one man one seat, but the effect of the Bill was to prevent a man from becoming a candidate for the State elections.

SIR JOHN SEE: The Commonwealth have made it a condition that a man in our State Parliament cannot be nominated for Federal election.

MR.

MR. IRVINE: The only thing we could do would be to arrive at a recommendation to communicate to the Federal Parliament the opinions of the Premiers that it is desirable that the laws, both as to disqualifying provisions of the State Parliaments as against Federal Members being elected, and the Federal Parliament against State Members being elected, should be removed. Assuming that it is constitutional, is there anything irregular in our asking of the Federal Government their concurrence in the proposition that it is in the interests of the public that Members of either State or Federal Parliament ought to be allowed to become candidates for the other?

MR. JENKINS: It has been stated that the principal object of the Federal Parliament in passing the Bill was because the present Ministry in Queensland was supposed to have made a threat to contest the Federal elections, owing to the fact that they were very strongly opposed to the Federal action.

MR. IRVINE: We could agree amongst ourselves to ask our respective Parliaments to do away with any disabilities imposed in this respect, before we approach the Federal Government.

SIR JOHN SEE: It ought to be provided that any Member of a State Parliament can become a candidate for the Federal Parliament; but automatically, he relinquishes his seat in the State Parliament on being elected to the Federal Parliament. It may be that a Member of the Federal Parliament may be desirous of coming back to the State Parliament, and being a Member of the Federal Parliament he would be debarred from being nominated for the State Parliament.

MR. IRVINE then moved the following resolution, which was unanimously agreed to:—

“In the opinion of this Conference, it is to the best interest of the public that disqualifications upon Members of either the Federal or State Parliaments, as such, from becoming candidates for the State or Federal Parliaments, respectively, should be removed; and it is agreed that steps should be taken in the various States to remove, where it exists, the disqualification of Federal Members, as such, from becoming candidates for the State Parliaments.”

#### Naturalisation of Aliens.

MR. IRVINE: We have for a long time practically refused to naturalise Chinese. Our law in Victoria allows Chinese to be naturalised. It does not impose any restrictions on the naturalisation of them, but leaves it absolutely open; but the practice has been for the most part not to issue letters of naturalisation to Chinese. The question has been raised recently by petition to the Government, and we were even threatened with legal proceedings. The law is pretty clear that they are entitled to be naturalised.

MR. JENKINS: Can you not refuse to naturalise anybody?

MR. IRVINE: It is a discretionary power. I do not think you could refuse naturalisation to a man because he was a German any more than, I suppose, a Chinaman.

SIR ARTHUR RUILEDGE: Chinese or Asiatics, before they can be naturalised in Queensland, must be resident three years, and must be married and the wife a resident of Queensland. If these conditions are complied with, we petition the Government, and do, in fact, naturalise.

MR. JENKINS: We have not naturalised a Chinaman for many years. I think there was a resolution of the House against it. We have naturalised no Asiatics for many years, except by petition in the House on behalf of some particular person. But as a rule we refuse to naturalise them.

MR. IRVINE: I am not at all sure that there is a legal right as regards Victoria. There is some doubt as to the wording of the Act in regard to the word “shall.”

“shall,” but it does strike me that the Government of an independent country ought to have discretion as to the persons they admit to citizenship. I simply want to take the opportunity of learning the views of the different Premiers on this matter.

MR. JAMES: Would it be expedient for us to refer the matter to the Federal Parliament to deal with this question of naturalisation. It is one of those matters I should like to see the Federal Parliament take up. It is most desirable that we should have some uniform law in regard to naturalisation.

SIR JOHN SEE: We do not refuse to naturalise Europeans, but we have a special law in regard to dealing with coloured people. Our law forbids the naturalisation of Chinese. I do not think we should deal with Chinese or Asiatics; but where a man is naturalised in one State, that should entitle him to be recognised as a British subject in the other States.

MR. IRVINE: I think we might adopt some suggestion, to be placed on record.

The following resolution was then proposed by SIR ARTHUR RUTLEDGE, seconded by MR. JAMES, and unanimously agreed to, viz. :—

“In the opinion of this Conference, it should be represented to the Federal Government that it is desirable that legislation should be passed by which the anomaly at present existing with respect to aliens, who, although they have become naturalised British subjects in one State, yet continue to be aliens in the other States of the Commonwealth, unless specially naturalised therein, should be removed.”

**Payment by the Commonwealth of Compensatory Allowance to Retrenched Members of the Queensland Defence Force.**

MR. PHILP: We had some Postal officials who left our employ and joined the Federal employ and claimed compensation—a small amount—and the Federal Government would not pay unless we agreed to the amount being paid out of our revenue. After some demur we agreed, and established the precedent that no State official should be compensated without the consent of the State Government. We find now that a number of the men of the Defence Force have been discharged by the Commonwealth Government, and have been paid one month's pay for every year's service. This has been done without the permission of the State Government. At the same time we have discharged a number of our own Civil Servants and have given them two and three months' notice. We think, as the Federal Government approached us in the case of the Postal officials, and we agreed with their recommendation, that they should have consulted us in regard to the members of the Defence Force. Sir Edmund Barton has stated that they can deal with them as they wished out of Commonwealth revenue, and did not intend to consult the States.

MR. IRVINE: Did they charge the Queensland Government with that?

MR. PHILP: Yes:

MR. GORDON: They did the same with South Australia. They charged us with similar compensation; but we have given them notice that if they continue to charge us we will sue the Commonwealth for a refund of the money, and they have a perfect right if they chose to pay it out of Commonwealth money. They have no right to pay as compensation amounts to which the officers were not entitled under the law, and then charge the State with it. We have given them express notice that, if they insist upon charging us as they have done, we will contest the matter. If they paid on the same scale all Officers taken over, they would land us in about £100,000 expenditure which we never contemplated. I think this is a fight between the Commonwealth and the States, and we are prepared to take the matter up and contest it.

MR. JENKINS: I think it best not to pass any resolution, as far as this Conference is concerned.

[Agreed.]

Agents-

**Agents-General of the States in London, and the Reorganisation of Departments of Agents-General, if appointment of High Commissioner contemplated.**

MR. NICHOLLS : This was suggested by Sir Elliott Lewis, but I do not know that he had any definite proposal to make. Our Agent-General's office has only been provided for up to 30th June this year. There is no money provided for carrying it on after that date. The idea of Parliament was that the office had been mainly ambassadorial, and there was the general opinion that we ought to establish something more in the nature of a commercial agency to push our products. Sir Elliott Lewis put this on the business paper rather to gain information, and for the benefit of the other State Premiers, and for them to make any proposals they might see fit. The idea of our Parliament was to establish an agency solely for the purpose of introducing our products, and, if possible, to lessen the charges in connection with the flotation of our loans. It is the opinion in Tasmania that the ambassadorial functions practically end by the appointment of a High Commissioner.

MR. JAMES : I think our State will still want an officer.

MR. JENKINS : I am inclined more and more to think that our State will need a representative in its own interest. We suggested an alteration in the Constitution to "Commercial Agent," but the House would not agree to it. They insisted upon the words "Agent-General," and out of generosity they increased his salary by £200 more than we suggested he should be paid.

MR. NICHOLLS : Does he take over any commercial functions ?

MR. JENKINS : We have a produce representative at London, but the Agent-General really supervises. During the time of the South African war he almost acted as Commercial Agent for us in regard to orders.

MR. NICHOLLS : I hardly think Sir Elliott Lewis expected that the other Premiers would express their future intentions, inasmuch as that involves a certain amount of competition between the States.

MR. GORDON : In the case of a contract for £20,000 worth of iron, it would be necessary to have a representative on the spot.

SIR JOHN SEE : We sent Mr. Darley over to London some two years ago, and he has saved the State some thousands of pounds. We used to pay a commission; but above all it is necessary to have a man who knows exactly what we want. Mr. Darley was our Engineer-in-Chief for Harbours and Rivers, and he knows exactly what our requirements are. He has saved us quite £10,000 in commission, besides getting exactly what we want, instead of us being in doubt or under a risk of having goods sent out here, passed by our agent, which were not suitable. When you have a man on the spot who thoroughly understands his work it is a much safer plan. In regard to the Agent-General, I have given this matter a good deal of thought, and cannot see my way clear to delegate to the High Commissioner, when he is appointed, the business arrangements of this State, because they are very considerable, and we communicate direct with our Agent-General in regard to all loan matters, although he does not actually float the loans. But by having our own Agent-General we are in direct communication with him in regard to our large transactions and obligations, and we regard the money paid him as money well spent. As far as I am concerned, I will be very sorry to see, and certainly would not consent to hand over, the great commercial affairs of our State to a High Commissioner, who would not be in touch with us at all, and could not very well serve six masters; and it might happen that simultaneously two or three States may put loans on the market, and I quite realise there would be very serious complications; and as far as this State is concerned we most emphatically prefer to have our own Agent-General. He has the most complete information, and combats the discreditable rumours from time to time about the financial condition of the country, and also keeps himself in touch thoroughly with all that concerns our well-being; and, therefore, I think he well earns the money we pay him. We have made a considerable saving during the last two years with his assistance. Some time ago our Parliament decided to send Commercial Agents to Great Britain, South Africa, and the

the East. The duties of a Commercial Agent, to my mind, are entirely apart from those of an Agent-General. You could not expect your Agent-General to go to Manchester, Birmingham, Liverpool, Glasgow, and the Continent, and talk about the conditions of trade communications with Australia; because, while a man might be eminently fitted for the position of Agent-General, he might not have a thorough and comprehensive knowledge of commerce, and, therefore, we selected men who thoroughly understood our commercial interests, and who could offer the fullest information in regard to our resources. It is something you cannot show a direct return for, but you can depend upon it, as far as the States are concerned, that as long as we keep ourselves in touch and evidence with the consumer in the Old Country, both by Press representations and lectures, the better results we shall have. Our Commercial Agent works in harmony with our Agent-General, and we are all desirous of obtaining the best conditions possible. Our Commercial Agent is thoroughly well versed in commerce, and at the time of his appointment he was the manager of the Fresh Food and Ice Company, and in receipt of a very considerable salary. On going through the long range of men I knew, he presented himself as the best man we could appoint, and no exception whatever has been taken to his appointment. If we want to get the very best results from our productions in the Home market, the best way to do that, to my mind, is to keep closely in touch with the consuming interest; and the business of the Commercial Agent is primarily to go round and visit the great consuming centres, also France, Germany, and wherever we have trade relations, and to find out the articles which best suit those markets, and forward the information through me, as the Premier of the State, to the public, and thereby educate the public upon what are the most suitable articles for each particular centre. Our Agent-General has a separate office and secretary, and we send him exhibits from time to time. He ascertains what tenders are out and the thousand and one other things which a man alive to his duties would do; and when all the disabilities disappear in regard to the drought conditions, &c., that we have had to contend with, I am satisfied we shall reap great benefit from the appointment. He costs the State something like £2,000 per annum, including expenses, and I consider the money well spent. If you want a man of this description you must get the best one available; you must have a man in whom you can place every confidence. If it is a good thing to have a Commercial Agent, it is a good thing to have a man who can thoroughly represent the State in commerce. I think the best course for the States to pursue is to carry on their business in their own way.

MR. IRVINE: Perhaps we had better not pass any resolutions?

MR. PHILP: I know one company in Queensland who pay £3,000 a year to be properly represented in London.

SIR JOHN SEE: I know one firm pays £6,000 a year to a competent man who manages their business in London. Every big commercial business has its own representative, and I think the States are in the same position. It is largely a business affair.

MR. IRVINE: Would it not be desirable to deal in some way with the question of the Agent-General—to say that it does not appear practicable to arrive at a conclusion, because there is a public feeling that the appointment of a High Commissioner will dispense to some extent with the services of the Agent-General. I think it would strengthen the position of some of us if a formal expression of opinion could be arrived at; for instance—that it does not appear to be prudent to adopt any course whereby the services of the independent representatives of the various States can be dispensed with. It would strengthen our position to be able to say that that was the opinion of the Conference.

The following resolution was then, upon the motion of MR. IRVINE, unanimously agreed to:—

“In the opinion of this Conference, the appointment of a High Commissioner for the Commonwealth would not obviate the necessity of independent representation in London of the various States.”

Customs



### Customs Duty on State Government Importations.

MR. IRVINE: I think many cases will arise where all the States will be interested and joint action will be necessary. I will move—

“That the Governments of the various States join with New South Wales in defraying the expenses of the proceedings in connection with the case of the Attorney-General of New South Wales *versus* the Collector of Customs, upon a population basis.”

This resolution to apply to all Privy Council Appeals, or any other contingencies that may arise in connection with the action.

[*Resolution unanimously agreed to.*]

### Representation of Australia at the International Congress on Hygiene and Demography, to be held at Brussels in September, 1903.

MR. JENKINS: This has been referred to the States by the Federal Prime Minister, because he received a communication direct that the Commonwealth should be represented.

MR. IRVINE: I have also received a letter from the Commonwealth Government, signed by Sir Edmund Barton, on the subject.

MR. JENKINS: We received a similar communication, but declined to send anyone.

SIR JOHN SEE: It is a scientific movement, I understand.

MR. IRVINE: Since we have been asked to bring it specially before the Conference of Premiers, I put it on the business paper. I would suggest, however, that no action be taken as far as the States are concerned.

### Channel of Communication on Matters within the State Power, and the Question of Precedence in connection with the bestowal of Honours upon State Citizens.

MR. GORDON: This question arose in this way: A Dutch ship called the “Vondel” was lying at the wharf at Port Adelaide, and her crew became insubordinate and deserted the ship. There was a treaty between the Imperial Government and the Netherlands Government to the effect that all officers and magistrates of the British Nation shall assist the officers of the Dutch ships in dealing with sailors. The Netherlands Consul at Adelaide complained that the magistrates and police officers who dealt with these sailors did not give the proper assistance required by the treaty. He complained to the Consul General for the Netherlands at Melbourne, who reported the matter to his Government—the Netherlands Government,—who in turn communicated with the Foreign Office and they sent on the complaint for investigation. The Foreign Office passed it on to the Colonial Office. Mr. Chamberlain sent it out to the Commonwealth Government, and asked them to make a report upon it, and they forwarded it on to us stating that they had been called upon for a report and asking us for information on the matter. We then took up this position: that the Commonwealth Government had nothing to do with the conduct of our magistrates and officers; that if our officers had done wrong the Commonwealth Government had no power to punish them; and we considered it would be intolerable to have the Commonwealth Government interfering with the officers of our State, who are paid by the State, and with regard to whom the Commonwealth Government have no power whatever, and to which Government the officers have no duty whatever. We therefore informed the  
Commonwealth

Commonwealth Government that we declined to report to them, but were ready to report direct to the Imperial Government through our own Government. Waiving for the time being whether we were right or wrong, Mr. Chamberlain then asked us for a report, and we replied that we had held an inquiry and sent him a full report, which completely vindicated the position taken up by our officers. Then Mr. Chamberlain sent us a communication, in which he invited us to state our views as to the proper channel of communication in regard to such matters, and we set out the position which I have briefly indicated, and which appears elaborately in the copy correspondence which I now hand round to each member of the Conference. (*Appendices A 1, A 2, A 3.*) The Constitution maintains the right of a State to communicate direct with the Imperial Government on State affairs through its own Government, and we contend it is an infringement of the rights and dignity of the State to be asked to accept a secondary position, and report on these matters through the Commonwealth Government. The arguments used by Mr. Chamberlain in replying to that despatch were chiefly founded on the fact, covered by section 3 of the Constitution, that—

It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may at any time after the proclamation, appoint a Governor-General for the Commonwealth.

After founding an elaborate argument on that section, the Imperial Government maintained that we ought to report on all matters such as the "Vondel" affair through the Commonwealth Government. Our reply was a courteous, but firm refusal to do anything of the kind. It is quite obvious to me that the Imperial Government are saturated with the Canadian practice, and their only desire is to save themselves as much as possible, and they want the Federal Government to be the medium between the various States and themselves; but however convenient that may be for them, we think we have our rights, and that briefly is the position. For the arguments *pro* and *con* I can only refer you to the correspondence. This feature of the situation will be obvious to everyone—that if it is right on the part of the Commonwealth Government to come into our territory and inquire into the conduct of our officers in connection with matters over which they have no control or power, it would be putting the States in an entirely subsidiary position. These are briefly the particulars, and we would like to know the opinion of the Premiers generally upon the situation. I may say that when we refused to report through the Commonwealth Government, Mr. Deakin threatened to send a Royal Commission to South Australia to make the inquiry on their own account; but they did not carry out that threat. I think I could have got a prohibition against the Commonwealth interfering with our State officers; because if they could call upon Mr. Johnstone to report to them as to his conduct, they could call upon a Supreme Court Judge.

MR. IRVINE: I must say that the question raised by South Australia is of much more than sentimental importance, and we have had some differences in Victoria in connection with it. But there is undoubtedly, as Mr. Gordon has stated, a deliberate intention in many ways, and particularly on the part of the Colonial Office, to disregard our position as States; and I think at this Conference there should be some definite and distinct representation made and conveyed to the Imperial Government. I would suggest that the question is really of so much importance that we ought not to hurry over it, and that it be postponed in order that we may have an opportunity to go through the correspondence, and think over the matter.

FOURTH DAY, SATURDAY, 18th April, 1903. 10.30 a.m. to 1.30 p.m.

Channel of Communication of Matters within the State Power—(*Continuation of discussion*).

MR. IRVINE: I suggest, in regard to the matter of the "Vondel," raised by Mr. Gordon, that it would be a good thing if Mr. Gordon would draw up a memorandum embodying, generally speaking, the view contained in the correspondence before us. I do not know that it would be necessary to refer to the particular case, but I think we could pass a resolution on the matter.

MR. PHILP: I have prepared a draft memorandum on this matter which I propose to submit to the Conference.

MR. IRVINE: I think we had a memorandum setting out the general principles with regard to communications between the State Government and the Imperial Government that would cover the ground. It could be abbreviated, but we ought to indicate that the States are prepared to act together in regard to this matter; otherwise the representations of one State alone would not carry much weight.

MR. JENKINS: Mr. Chamberlain says that the principles set out in the correspondence, and the general feeling referred to, do not appear to be shared by the other State Governments.

MR. IRVINE: We had a case of a similar nature to the one now before the Conference. It was in connection with the creation of the Mayor of Melbourne a Lord Mayor. The way it worked with us was this: an alteration was made in the Constitution of an institution which was entirely created by the State Legislature, and subject to the control of the State Legislature, and, in fact, to give full effect to this would require an Act of the State Parliament altering the name of the corporation; and we never heard about it until the thing was done.

SIR JOHN SEE: Is that so—that you would have to alter the title of the corporation?

MR. IRVINE: With us it is. But, apart from that altogether, a very full explanatory memorandum was received from the Home Office which removed the whole difficulty, except at the end there was a sentence which said that our Government would admit the necessity of their Government taking the advice of the Federal Government in respect of such matters. Of course we admit nothing of the kind.

SIR JOHN SEE: The point is—they all go through the Governor-General; or, if they do not, a copy of the recommendations is sent to him.

MR. IRVINE: I do not think that should be done.

MR. GORDON: If we had united action it would be capital, but the Imperial Government would please itself whether they showered these honours upon us or not. If one State alone makes the protest and stands out, they would get nothing while the other States would. That would be the unfairness of single action.

SIR JOHN SEE: The Federal Government had the right to nominate three representatives for the Delhi Conference, but the States were never consulted. On such an important matter as that it seems to me, it would have been more appropriate for them to have been represented as the Commonwealth Government, and to have invited the other Premiers to appoint one or two representatives.

MR. PHILP: I think our course is to support South Australia in the "Vondel" case.

MR. IRVINE: I think it wise to leave it to Mr. Gordon to prepare a resolution to be despatched to Mr. Chamberlain. He can take the proposition I have framed, as well as the one drafted by Mr. Philp, and these might prove of some assistance to him.

MR. JENKINS: If we are going to depute to the Federal Government the right of making all suggestions and recommendations for honours, then the State Government

Government which happens to be unfavourable to the Federal Government will be entirely ignored—their suggestions are of no value. I took the opportunity of saying some time ago that there was no necessity for State Governors at all if the communication from Mr. Chamberlain is carried out in its entirety.

MR. IRVINE: I think Mr. Gordon should draw up a resolution setting out the general principles agreed upon. I think it would be rather a mistake for us to make any reference by special resolution to the question of honours. We have to have regard for the way our resolutions will be looked at outside.

SIR ARTHUR RUTLEDGE: The question of honours is a delicate question for this Conference to take up. Honours are gifts from the King, and can we suggest that honours ought to be given at all. I think it would place us in rather an invidious position.

MR. IRVINE: We do not claim the right to nominate, but we put it this way: that if the Imperial Government were to act upon the advice of any Ministers in such matters at all, they ought to be the Ministers of the States.

SIR JOHN SEE: Supposing you wanted to make a recommendation in regard to some one in your State, you would have to approach the State Governor and ask him to make the request. If he did not, there is an end of it; but if he did make the recommendation, I understand he could do so direct, but would send a copy of the recommendation to the Governor-General.

MR. GORDON: Which practically nullifies the effect of making it direct.

MR. JAMES: There is no reason why a recommendation from the State Governor should go to the Governor-General.

MR. JENKINS: They assume the right that they can recommend a knighthood to, say, Mr. —, and when you go back it will be Sir —, and you know nothing about it—possibly a bitter opponent of the Government in power.

SIR JOHN SEE: If the recommendation comes from a State Governor, and only a copy of it is sent to the Governor-General, there can be no objection to that?

MR. GORDON: The copy must be sent to the Governor-General with some object. It implies the right of objection.

MR. IRVINE: I do not think we should make any formal resolution as a Conference in connection with honours. We can frame a resolution claiming our rights in connection with all matters that fall within the rights of the State Governors. And then when the question arose, if I should make any recommendation, I should urge the State Governor not to send a copy to the Governor-General, and to inform the Secretary of State that he had not done so, as the Ministers objected to his doing so. Then the Imperial Government could accept the recommendation or not.

SIR JOHN SEE: I do not think they would. I think they attach more importance to federation in the Old Country than we do out here. There is no doubt whatever that the inauguration of federation has largely diminished the prestige of the States: but it has not done away with the importance of the States. If we make a recommendation to our State Governors, I do not see any objection whatever to a copy of that recommendation being forwarded to the Governor-General. It does not follow that he would bring it under the notice of his Ministers.

MR. IRVINE: Then what is the object of it?

SIR JOHN SEE: Simply to uphold the dignity of the position.

MR. JENKINS: The Home Government would ask the Governor-General if he supported the recommendation forwarded by the State Governor; and if he did not, they would pass it over.

MR. IRVINE: The question is whether we ought to admit and recognise by formal act the practice of sending a copy of recommendations of a purely local character to the Governor-General, with the right of the Federal Government to intervene.

SIR JOHN SEE: Who made the recommendation in regard to the Lord Mayor of Melbourne?

MR.

MR. IRVINE: I do not know. I think your Government, very improperly, sent through the Governor-General the recommendation in regard to the Lord Mayor of Sydney, and seeing that it was advisable to create the Mayor of Sydney a Lord Mayor, the Governor-General, presumably, thought it proper to make a similar recommendation in regard to the Mayor of Melbourne, and thereby avoid the danger of any jealousy arising. But I think we ought to leave the question of honours alone. We merely want to assert our rights to direct communication with the Imperial Government. Honours can be dealt with when the occasion arises. The matter is either one that falls within the rights of the State Governors, or it is not. Is there no instance under our Constitution that can be suggested where it would be constitutional to send joint despatches from a State Governor and the Governor-General, except by agreement?

MR. GORDON: No.

MR. IRVINE: As I understand, the State Governors' functions relate purely to State affairs. Unless we take the broad view that in all cases communications should pass direct from State Governors to the Colonial Office, we admit the right of the Governor-General to advise or receive copies of these despatches, and thus give the whole position away. I think our resolution ought to be drafted in that way.

MR. JAMES: Has there ever been any correspondence or arrangements in connection with despatches?

MR. IRVINE: Yes, we have had correspondence on the matter; and I think New South Wales and South Australia have also had correspondence. I think, as well as I can remember, that the first position taken up was that all despatches were to be sent through the Governor-General. That was obviously wrong, and after some time the Federal Government receded from that position, and said that only despatches which involved in any way federal matters should be sent through the Governor-General. That was objected to, and finally they came down to this: that copies of all despatches which affected federal matters should be sent to the Governor-General. I think we ought to express concurrence in the views embodied in the memorandum in regard to the "Vondel" in a despatch, and add to it a resolution intimating the intention of the State Governments to take joint action in any similar matters that may arise. The principles are very clearly stated in regard to the "Vondel" case, and if we express adherence to these views it would be a matter almost of obligation for the Governments to act together should any similar cases arise.

The following resolution, moved by MR. GORDON, was then unanimously agreed to, viz. :—

"That the action of the Government of South Australia in connection with the report to the Imperial Government on the 'Vondel' matter is supported by this Conference, and the principles contended for by that Government as to the proper channel of communication between the Imperial Government and the States which are set out in despatches of that Government to the Right Honourable the Secretary of State for the Colonies, are adopted by this Conference, in the belief that the maintenance of these principles is essentially necessary to the preservation of the rights of the States as constituent parts of the Commonwealth under the Federal Constitution."

#### Accident to Sir George Turner.

SIR JOHN SEE: News has just been received that Sir George Turner, the Federal Treasurer, has met with an accident whilst attempting to embark on a steamer at the Milson's Point wharf, North Sydney. Full particulars of the nature of the injuries he has received have not yet reached me, but I know I am voicing the

the feelings of all present in expressing sorrow at the occurrence, and in hoping that he will speedily recover. I would suggest that a letter be written to Sir George Turner, signed by myself, on behalf of the Conference.

MR. IRVINE: I have much pleasure in supporting that proposition.

A letter was accordingly despatched to Sir George Turner, of which the following is a copy:—

My dear Sir George Turner,

18 April, 1903.

The news of your unfortunate accident has just been heard by the Premiers of the States in Conference assembled, and they unanimously desire me, as President, to convey to you their sincere regret at the occurrence, and the hope that you may speedily recover to continue your eminent services to the Commonwealth.

To the Right Honourable Sir George Turner, K.C.M.G.

I am, dear Sir George,  
Yours most truly,  
JOHN SEE.

### The Question of Right of the States to fix Times and Places for Elections of Senators.

MR. JENKINS: That arose out of a correspondence between South Australia and the Federal Government with regard to a communication forwarded by our Attorney-General; and, in order to bring the matter before the Conference, I will move—

“That while it is expedient that the elections for the House of Representatives should take place at the same time and places as elections for the Senate, each State should, by legislation, maintain its constitutional right to determine the time and places for elections for the Senate.”

It is purely a legal question of whether the Federal or State Parliament is right in the interpretation of the Act.

MR. GORDON: If you will look at section 9 of the Constitution,—

The Parliament of the Commonwealth may make laws prescribing the method of choosing Senators; but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the Senators for that State.

The Parliament of a State may make laws for determining the times and places of elections of Senators for the State.

It appears they sought to infringe that power of the States to make laws for the time and places of elections of Senators. I will read the memorandum which we sent on to the Commonwealth Government, as well as Mr. Jenkins' subsequent letter:—

To the Hon. the Premier.

18 November, 1902.

I BEG to call attention to the fact, that, in my opinion, the Commonwealth Parliament has in “The Commonwealth Electoral Act, 1902” usurped powers which the Constitution vests exclusively in the State Parliament.

The Constitution (section 9) provides as follows:—

“The Parliament of a State may make laws for determining the times and places of elections of Senators for the State.”

In commenting upon this part of the Constitution, Quick and Garran say:—

“This subsection further strengthens the control of the States over the election of Senators. The Parliament of a State may, by legislation, determine the times when, upon the occasions arising under the Constitution, elections of Senators for the State shall take place; it may also determine the places at which polling-booths for the reception of votes for the election of Senators shall be held. These powers are permanently and exclusively vested in the States.”—(Quick and Garran on the Constitution, p. 427.)

The Commonwealth Electoral Act, section 88, fixes a maximum and minimum limit of time from the day of nomination within which the polling for the election of both Senators and Members of the House of Representatives shall be held. So far as relates to the Election of Senators, the provision is, in my opinion *ultra vires*.

Further, the important power vested in the State to fix the places of elections of Senators, is usurped by the general scheme of the Commonwealth Electoral Act, which confers upon the Governor-General the right to appoint polling-places (section 24) and to abolish polling-places (section 26).

It

It may, perhaps, be argued that it is convenient that the Federal Parliament should exercise these powers. So much may be conceded, having regard only to the convenience of the Federal Authorities. But there is much else to be considered.

That part of the Constitution which gives the States equal representation in the Senate, and control over the Election of Senators, was only established after strenuous contention, and it forms the bulwark of State rights.

To abandon any of the powers which the Constitution confers upon the States in this direction, simply upon the plea of convenience, would, in my opinion, be a fatal mistake. The danger of doing so is more than theoretical. Once concede, for instance (as submission to the Act in question would concede), that the Federal Parliament has power to fix a time limit from the day of nomination within which the polling must take place, and the State will concede to the Federal Parliament the power to practically disfranchise electors living in distant places, by fixing a time limit so short as to prevent these electors from recording their votes.

I regard, as still more dangerous, the power which the Act seeks to confer upon the Governor General to appoint and abolish polling-places. It would be a very serious disadvantage if the State surrendered its right to fix the polling-places for elections of Senators. The State Parliament is the best, as it is the constitutional, judge of what is required in this respect to secure proper representation in the Senate, which is the States House.

If, as the eminent authorities above quoted hold, the power to fix times and places for the election of Senators is exclusive, then it cannot be exercised by the Federal Parliament under any circumstances, and an election held under a usurpation of the power might be held to be illegal. The State would in such a case be without representation in the Senate.

Many serious unforeseen difficulties and dangers may arise if the State is deprived of these safeguards which the Constitution gives it.

The failure of the State Parliament to make laws for the purposes mentioned may perhaps be cured by action by the Governor.

"Under a similar section in the American Constitution, it has been held that when the Legislature of a State has failed to 'prescribe the times, places, and manner' of holding elections, the Governor may, in case of a vacancy, designate in his writ of election the time and place, when and where such election shall be held; but that a reasonable time should be allowed for the promulgation of the notice.—Hoge's Case C1, and Hall, U.S., 135; cited Baker Annot. Const 6."—(Quick and Garran on the Constitution, p. 427.)

This proposition is debatable. It is not, however, debatable that if the power is exclusively vested in the State Parliament, the Federal Parliament cannot exercise it. The penalty which the State will suffer if it fails to exercise this power, is, I think, contained in section 11 of the Constitution.

"The Senate may proceed to the dispatch of business, notwithstanding the failure of any State to provide for its representation in the Senate."

It will be observed that section 11 contains no hint that failure by the State to provide for its representation may be cured by Federal action.

After careful consideration of the question, I respectfully advise that the provisions of the "Commonwealth Electoral Act, 1902," to which I have referred, should be disregarded as being *ultra vires*; and that early in the ensuing Session of the State Parliament a Bill should be introduced for an Act to fix the times and places for holding elections for Senators of the State of South Australia.

J. H. G., A.-G.

Sir,

Premier's Office, Adelaide, 8 December, 1902.

I have the honor to acknowledge the receipt of your letter of the 21st of November last, having reference to a memorandum of the Attorney-General of this State, calling attention to certain provisions of the Commonwealth Electoral Act which usurps powers exclusively vested in the State; and suggesting that in such matters there should, in future, be an interchange of views between our respective Governments before any action is determined upon.

I agree that it would be an excellent practice that the Commonwealth and the State Governments should so interchange views upon any subject concerning which doubts exist as to their respective powers; but may I point out, with great deference, that the time to put such a practice into operation is when the matter as to which doubt arises is under the control of the Government taking the initiative, and not after it has been allowed to pass out of its power. In the present case the attention of your Government was, as I am assured, called to the usurpation of State power attempted by the provision of the Act referred to when the Bill for the Act was under discussion in Parliament. Had your Government then put into practice your most excellent suggestion as to interchange of views upon doubtful matters, much trouble might have been saved both to Commonwealth and State. But no consideration appears to have been given to the protest, and the Commonwealth Parliament has been allowed to pass a law which is *ultra vires*.

I am at a loss to perceive any advantage which, after the Act was passed, would have followed an interchange of views between our respective Governments. When Parliament has enacted a law, the matter has passed the stage at which any such interchange could be immediately useful, and if the enactment usurps, as the one in question does, the rights of the State, immediate publicity should, in my opinion, be given to what has been done.

I sincerely hope that for the future the excellent practice you suggest will be followed by your Government, as it shall be by this Government. It is very clear that in this instance the unfortunate position which has resulted has been occasioned by a neglect of the very practice which you are good enough to recommend.

I have, &c.,  
J. G. JENKINS,  
Premier.

The Right Honorable the Prime Minister  
of the Commonwealth of Australia, Melbourne.

We

We have the authority of Quick and Garran showing clear and exclusive power given to the States under the Constitution. I will read the phrase:—

Times and places of elections of Senators.—This subsection further strengthens the control of the States over the election of Senators. The Parliament of a State may, by legislation, determine the times when, upon the occasions arising under the Constitution, elections of Senators for the State shall take place; it may also determine the places at which polling-booths for the reception of votes for the election of Senators shall be held. These powers are permanently and exclusively vested in the States. The election of Senators will, of course, take place on the occurrence of the events prescribed by the Constitution, such as the triennial election of Senators, when half the number of Senators retire according to the process of rotation defined by section 13; and such as a general election of the Senate following a dissolution thereof under section 57. Under a similar section in the American Constitution it has been held that when the Legislature of a State has failed to "prescribe the times, places, and manner" of holding elections, the Governor may, in case of a vacancy, designate in his writ of election the time and place, when and where such election will be held; but that a reasonable time should be allowed for the promulgation of the notice.

If the Governor-General, on the advice of the Federal Executive, had the power to appoint polling-booths, then the Federal Government could shut up any booth to defeat the opposition of any body of electors who may be opposed to any particular measure that they were desirous of passing into law.

SIR JOHN SEE: In the first place, the object is to give effect to the rights of the people to vote; they cannot vote unless there be the necessary conveniences.

MR. IRVINE: I am inclined to agree with the main contention put forward by Mr. Gordon—that the intention of the Constitution in regard to the election of Senators is that the State, through its Governor, is to have the conduct of those elections. Senators are to be chosen for six years, and the names of the Senators chosen for each State are to be certified by the Governor to the Governor-General. That seems to imply that the elections are in the hands of the State, and therefore they ought to be subject to State Legislature as far as legislation is required. But when you come to sections 9 and 10 of the Commonwealth of Australia Constitution Act, I have great difficulty in accepting Mr. Gordon's arguments. For instance, what is the meaning of the "method of choosing"?

MR. GORDON: A great deal may be included in that, I admit.

MR. IRVINE: Then we come to section 10:—

Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of Senators for the State.

This clearly includes existing laws as to times and places; if not, then you have no law. If these laws relating to elections include times and places, then by section 10 the Parliament of the Commonwealth is given power to make laws on all those matters including times and places. If you will look at section 51, subsection XXXVI:—

Matters in respect of which this Constitution makes provision until the Parliament otherwise provides.

Leaving out the words "subject to this Constitution," if these laws relating to elections, including the existing laws as to times and places generally, then sections 10 and 51 would give the Federal Parliament power to make laws as to times and places. The only way you can get out of that is to say that the words "subject to this Constitution" limits that power by express reference to the provision that the Parliaments of the States may make laws as to times and places for holding elections. If that is so, then, until the Parliaments of the States do make laws, there is nothing to prevent the Commonwealth making laws, and instead of that being *ultra vires* it would be in force until superseded by the laws of the States.

MR. GORDON: You make the powers concurrent?

MR. IRVINE: Yes.

MR. GORDON: I suggested to our Parliament that we should bring in a Bill in order to synchronise the arrangements of the State and Commonwealth with regard to times and places, and by passing our own Act we would preserve our rights.

MR.



MR. IRVINE: I do not think this matter was properly debated at the time; but looking at it as it is, I do not think I can agree with Mr. Gordon that the law is *ultra vires*. Then the only question would be whether the Parliaments of the States could pass a law inconsistent with that. I should think that the matter of fixing times and places is one that is left to each State.

SIR JOHN SEE: It seems to me, if the States have the power to fix times and places of elections, it might abrogate the whole principles of the Commonwealth. One State might negative the whole arrangements by delaying the election of Senators for three months after the elections for the House of Representatives. The elections for both Houses must be simultaneous. I cannot imagine a case arising where polling-booths would not be appointed because the people were opposed to the Government. If there was a dispute between the House of Representatives and the Senate, and all the Members of the Senate voted in one way to frustrate the will of the House of Representatives,—if we had the power to postpone the date of the Senate elections we might abrogate the whole principles of the Constitution by putting the elections off for six months. If you take one extreme you must take the other.

MR. GORDON: I would suggest a short measure to the effect that, until the States otherwise provide, the times and places for election of Senators shall be fixed by the Commonwealth Government. We would then retain our rights.

MR. IRVINE: If we take the responsibility of discussing the validity of a Bill before the Federal Parliament we shall assume a very serious responsibility. In our House I have always deprecated any discussion of that kind, because if the law is bad it is non-existent; and if it is good we cannot alter it.

MR. GORDON: Do you not think it is the duty of the Government to take action if they find the Federal Parliament usurping any of their powers under the law?

MR. IRVINE: They do not usurp your powers by passing a law that is not a law. They can only do that by some act of administration that they have no right to do.

MR. GORDON: If we have concurrent power to legislate, which if exercised will supersede the Commonwealth, then it is our duty to exercise our full rights.

MR. IRVINE: Your rights are not in jeopardy. If they like to make provision until we supersede them, how are our rights jeopardised?

MR. GORDON: I claim it is purely a State right.

SIR ARTHUR RUTLEDGE: The Commonwealth may specify certain hours which may be suitable to some States and very unsuitable to others.

MR. IRVINE: In that case, if Queensland were the aggrieved, they could come in under section 9 and say, we are going to fix the time, and our fixation supersedes yours. But it is not desirable that we should show ourselves in any way antagonistic to the Commonwealth. I think we should reserve our *pardo* for the big questions, such as loans, &c.

SIR JOHN SEE: The whole question would be overcome by simply saying that the polling-place for Senators should be those used by the States.

MR. IRVINE: It would bring us in direct conflict with the Commonwealth. It is admitted that this law, passed rightly or wrongly, may be *ultra vires*. It is admitted that it does not cause any substantial grievance or trouble at present, and it is admitted that if it does in the future we will then be able to raise the question of our constitutional rights. We want to gather all the force of public opinion possible behind the recommendations we do make; and why should we weaken our position by raising a highly technical matter, such as this one, which is estimated to involve much substance at the present time?

SIR JOHN SEE: I think it would be well to let it drop.

MR. JENKINS: Supposing we suggest that the polling-places used by the States should also be used for the Federal elections.

MR.

MR. IRVINE: That must be a recommendation to the Federal Government, and that would be raising what we consider are State rights. We would show ourselves as raising very technical points antagonistic to the Federal Government.

SIR JOHN SEE: The same people will elect the Senators and the Members of the House of Representatives as elect the Members of the State Parliaments.

MR. PHILP: South Australia has made a protest, but they might let it rest at that, and if the differences should arise the matter could be taken up again.

MR. GORDON: We are essentially State rights people, and we keep a firm line of demarcation. Six strong States make a strong Commonwealth.

MR. IRVINE: If you have a recommendation brought forward which raises a difficult question of Constitutional law, and you are beaten upon it in conference, it may save your position to some extent with your own people, but it weakens you as a Conference.

MR. JENKINS: If we press it to a division, while you will practically agree with us in the main, yet feel you should vote against it because you do not agree with us in the entirety, it is, then, questionable whether it is good enough to force the matter.

MR. GORDON: If there is a feeling that we ought to drop the matter, I am agreeable.

MR. JENKINS: I will not press it; I will withdraw the matter.

MR. IRVINE: We ought not to do anything to waive the right of the conduct of the general Elections in the States.

#### Metric System of Weights and Measures.

MR. JENKINS: This is purely a federal question, but at the Conference of Premiers in England they passed this resolution:—

It is advisable to adopt the metric system of weights and measures throughout the Empire, and the Conference urge upon the Governments represented to give consideration to its early adoption.

You all, no doubt, have received a copy of the resolution as carried. It is practically a suggestion from the Federal Government that we should obtain the opinion of the different States in reference to it. We have obtained the opinion of some of our officers, and forwarded same to our Lieutenant-Governor; and he suggested that we might discuss it at this Conference and come to an opinion as to whether the Federal Government should adopt the metric system. As States we cannot do it without the agreement of the Federal Government. I am entirely in favour of the metric system if it could be carried out. Our officers strongly recommend it. It seems to me absurd that 112 lb. should constitute 1 cwt.

SIR JOHN SEE: We sell all our grain by the bushel.

MR. JENKINS: You sell 2,240 lb. as a ton.

SIR JOHN SEE: Does it make any difference whether you put 2,210 lb. or 2,000 lb?

MR. IRVINE: You spend half your life learning a system of weights and measures and then you spend the rest of your time forgetting it.

MR. JENKINS: The decimal system is certainly the more simple system.

SIR JOHN SEE: You might carry the proposition further, and change our coinage.

MR. JENKINS: It would be a good thing for the future generations if we did.

SIR JOHN SEE: Strange to say, I have had deputations wait upon me with regard to almost every subject imaginable, but never one to request an alteration in our system of weights and measures.

[*Discussion postponed.*]

FIFTH DAY, MONDAY, 20th APRIL, 1903. 10.15 a.m. to 1 p.m.

State and Federal Loans—(*Continuation of discussion*).

MR. IRVINE: Would you allow me to mention this loan matter first. I have a memorandum here, which I have written but have not had time to complete, and would like to lay before the Conference. It is a matter which is the most urgent, not in the sense that we can do anything immediately with it, but it is urgently necessary that we should launch the subject before the public at as early a time as possible. Now, I do not think the Federal Government is at all likely, at present, to take any action favourable to this view; but what we have to look to, if we adopt it at all, as I submit we should adopt it, is the education of public opinion; and if the Premiers, representing and having a knowledge of the responsibilities of the various States, apprehend the same danger ahead as I foresee, and if they make a joint strong memorandum explaining the whole matter, it must have a very great effect through the whole of the States. For this purpose it is necessary that the statement should be a full statement; and the course I would suggest that we should follow is that we should adopt a resolution and embody in a memorandum the reasons why we pass that resolution. Of course, if we agree to the principle this ought to be very carefully worded. It is merely my draft, and it will require a great deal of revision. The following are the draft resolution and memorandum:—

STATE AND FEDERAL LOANS.

This Conference submits to the consideration of the Federal Government the following resolution:—

That, in order to secure to the several States' Governments the guarantee of permanent financial stability contemplated by the Constitution, it is of essential importance that the provisions of that Constitution with respect to the taking over of the debt of the States existing at the commencement of the Commonwealth should be put into effect as soon as possible.

In submitting this resolution, this Conference desires to lay before the Government and Parliament of the Commonwealth the following reasons why the course indicated by the resolution should, in the interests of the people as a whole, be adopted:—

(1.) It is necessary, in the interests of the public economy as well as of the financial stability of the States. The experience of all constitutionally governed countries proves that an overflowing Treasury means a swelling expenditure. The only effective check upon excessive expenditure of public money is the necessity which usually exists to provide ways and means by the imposition of additional charges upon the taxpayer. Like the governor in a steam-engine, too great outflow brings its automatic reaction.

Where this necessity does not exist, or does not exist so far as the spending body is concerned, the manifold political forces tending to public extravagance are left to work unchecked. But to be effective, the check must be direct and effective, not indirect and merely consequential. It is impossible to conceive any arrangement of constitutional power so calculated to deprive the general taxpayer of every necessary safeguard for public economy as that in which a Federal representative body is endowed with a revenue vastly in excess of all its possible requirements, and its expenditure is limited only by a kind of moral duty towards States which are burdened with financial obligations far beyond their income. In this case the check is not direct and immediate, but indirect and remote. Let us take, by way of illustration, a concrete instance: It has been freely stated by Federal Ministers that the existence of the Braddon clause (which compels the Federal Government to return to the States during the next few years three-fourths of the Customs and Excise revenue) alone prevents the Federal Government from launching forth into considerably greater expenditure for naval defence. Now, whilst it is not improbable that Australia may, as time goes on, recognise increasing national obligations in such matters, it can hardly be disputed that to permit a Federal Treasurer to bring down a scheme for naval defence involving a large increase of expenditure without having at the same time to take the responsibility of providing ways and means, otherwise than by dipping his hands more deeply into the surplus revenue upon which the State Treasurers must depend, would be, not only a mischievous division of responsibility, but a direct incentive to public extravagance. Even with the protection of the Braddon clause, several of the States have already been obliged to have recourse to heavy direct taxation. If that protection be allowed to lapse, the immediate result will be a steady depletion of the surplus Customs revenue payable to the States, bringing with it an increasing necessity to impose further and more drastic direct taxation. It is idle to contend that, because the same electors are represented by the Federal and State Parliaments, this result would not accrue. The public opinion of the electors does not in ordinary circumstances act as an effectual corrective on public expense until the burden of that expense is brought directly home to them by the imposition of fresh taxation. But the latter contingency will not, in the case we have here considered, arise until long after the expenditure has been sanctioned by a Parliament not responsible for the finding of the money, and probably after the money has been spent.

The dangers attendant upon such a position were present to the minds of the framers of our Constitution. With the view of obviating these dangers they took care to embody in it provisions whereby the surplus revenues should be hypothecated to meet the great interest obligations of the various States.

Those are the reasons. The statement is rather long; but I do not see how we could put it clearly and fully before the public in any very much shorter form.

MR. JAMES: So far as the Federal Parliament is concerned, the revenue is determined, not so much on the principle of necessary taxation as on considerations of policy—protecting industries; and they might, so far as they are concerned, utilise the whole of their revenue, and yet not be accused of over-taxing people. I think that where taxation is imposed for revenue purposes the people are more careful in spending it than where it is imposed, not so much for revenue as for the purposes of protection. The protectionists do not care how much they raise.

SIR JOHN SEE: But the tendency of raising the tariff is to decrease the revenue by discouraging importations.

SIR ARTHUR RUTLEDGE: Would not you consider it advisable, Mr. Irvine, to introduce a concrete instance?

MR. IRVINE: That is a matter to be considered.

*(The further consideration of this question was then postponed, to admit of consideration of Mr. Irvine's memorandum).*

### The Murray River Waters and Report of the Inter-State Royal Commission thereon—*(Continuation of discussion).*

*(Mr. Davis and Mr. Murray were again in attendance).*

MR. JENKINS: I have prepared a proposal and a minute regarding the Murray River question; and I will just say a few words after I read them:—

After the most careful consideration of the proposals made by the Premiers of New South Wales and Victoria, I am unable to agree to them, on behalf of South Australia, for the following reasons:—

1. They involve the proposition that the three States have the right to reduce the periods during which the river has in the past been navigable. As I read the Constitution, no State, and not even the Commonwealth itself, has a Constitutional right to do this.
2. Even if the proposals were Constitutional, and could be carried out, I could not, on behalf of South Australia, agree to reduce the average annual flow of water into South Australia from February to June in each year to 100,000 cubic feet per minute; as, in the six driest years on record, the mean flow during these months was 287,000 cubic feet a minute, and during a period of ten years for which records have been kept, was 700,000 cubic feet per minute. A flow of 100,000 cubic feet per minute is insufficient to supply the needs of South Australia.
3. To agree to the proposals would not only place South Australia at an immediate disadvantage during the five years, but would suspend her rights for that period; whereas it is of vital importance to the State that an early permanent settlement of the question should be arrived at—by agreement, if possible, but, if not accomplished in that desirable way, then by law.

Now, to take up the first proposition—it is needless to debate that at any length, because the case has been put very forcibly and very fully, I think, by our Attorney-General, in his minute to the Hon. the Premier and Attorney-General of Victoria (as far as our information, at any rate, of the legal position is concerned), about the necessity for the continued navigability of the Murray without interference from the other States. Then, to take the second proposition, as to the flow of water: your proposal is based on the assumption that 100,000 cubic feet of water per minute would be ample (putting on one side the question of navigation) for all the needs of South Australia. Of course, in times when the river got very low, they could not even get that; but we claim that that would not be in any way sufficient—that is, provided we proceed with new irrigation works on the same lines as it is proposed to proceed with them in New South Wales and Victoria. The statement that was made before the Commission by several witnesses, that there is no land available for irrigation on the Murray in South Australia, is entirely beside the mark. I take this opportunity of pointing out to the Conference that, since that time, we have irrigated to advantage a considerable area along the Murray; and there are thousands and thousands of acres that can be utilised in the same way. I do not say that, by pumping, we can irrigate, perhaps, for the growth of cereals to advantage; but we can irrigate for the growth of corn (not wheat), for vegetables, and for fruits, and everything of that kind; and we claim that there should be no restriction, so far as we are concerned, any more than as far as anyone else is concerned, if we are to go in for irrigation at all. Not only that, but we have a strong objection to any agreement, unless more favourable, by which we would practically tie our hands

hands for five years. We propose to undertake work at our own expense, which will probably cost from £60,000 to £100,000, to endeavour to preserve the lands on the Lower Murray from destruction by salt water, by the construction of a barrage, or by the construction of a canal with locks, to take the flow of the river towards Port Victor, and to prevent the inflow of salt water, which is now doing damage. But during this period of five years, unless we have a guaranteed supply greater than proposed, we could undertake nothing of the kind; because, if we went in for this expenditure, at the termination of the agreement Victoria and New South Wales might say,—We find we need more water than we have taken from the flow of the river during this period, and practically our entire expenditure during that time would be lost, as well as all our constructions for irrigation that now exist along the Murray, or that would be established between now and the end of the five years. For those reasons, and on those grounds, we are sorry that we are unable to agree to the suggestion which has been made.

SIR JOHN SEE: That means that we cannot come to an agreement.

MR. IRVINE: Is there any alternative proposal to make?

MR. JENKINS: The resolution that I moved the other day was not carried. We were practically evenly divided upon it.

SIR JOHN SEE: You mean the resolution that the Federal Government should carry out the locking?

MR. JENKINS: Yes. As that was not carried, I will move now the following resolution:—

That, in the opinion of this Conference, the navigability of the River Murray should be maintained, and that further works to divert the waters from their natural course should not be proceeded with until some definite action is taken, either by the Commonwealth or by the States more directly interested, to preserve the necessary supply for navigation.

By this, the members of the Conference will see I do not say that the Commonwealth should undertake this work; but if the Commonwealth will not undertake it, some arrangement might, perhaps, be made between New South Wales, Victoria, and South Australia, whereby the necessary locking work could be undertaken in order to preserve the navigability of the river.

MR. IRVINE: Of course that assumes at once the paramountcy of navigation over irrigation.

MR. JENKINS: Not necessarily; it assumes the necessity of preserving the natural watercourse.

SIR JOHN SEE: You said yesterday that you could not recommend your Parliament to vote any portion of the money required to preserve the navigability of the river; that means that all this money must be spent for conservation.

MR. JENKINS: Not necessarily. The conservation of water would not interfere. We do not care how much of the water you conserve during the winter months in order to have it available for summer use; what we do object to is your taking it out of the river in the summer, when all the little flow there is should come down to maintain navigation. Many of you have seen our Happy Valley Reservoir. During the wet months of the year we direct sufficient water into it to fill it—3,000,000,000 gallons; we do not touch a drop of the natural flow of the river during the summer. I take it that the general conservation of water will be along the Murray.

SIR JOHN SEE: There are the Darling and Murrumbidgee. Conservation works will not be confined to the Murray alone.

MR. JENKINS: But, in the interests of your own settlers lower down the rivers, you allow practically the summer flow of the rivers to go down. Mr. Irvine will admit that, on the Goulburn, they do allow the summer flow of the river to go down.

MR. IRVINE: That is 5,000 cubic feet per minute.

*Mr. Murray (in reply to Mr. Irvine):* The natural flow of the river has frequently been gauged less than we now send down. MR.

MR. IRVINE: And frequently it would be more.

*Mr. Murray*: We undertake to send down not less than 5,000 cubic feet per minute. As a matter of fact, we have been sending down 10,000 cubic feet; and the minimum gauging of the river flow in summer is 2,700 cubic feet. We conserve some water in the river itself. The gates are 10 feet deep, and the channel sills are 7 feet below the gate heads. We conserve 900,000,000 cubic feet of water there.

MR. IRVINE: I can understand the position of South Australia with regard to this very well. The agreement I suggested might have been construed in South Australia as having the effect of theoretically conceding, for a time, a certain right; but, on the other hand, our position is that to give anything more would be actually conceding something.

MR. JAMES: Do you really think that navigability is paramount, or do you simply use that expression there as the best means of guaranteeing the irrigation supply?

MR. JENKINS: I think that, from the legal point of view, navigability is paramount; but that, from another point of view, irrigation would probably benefit the greater number.

MR. IRVINE: If you are right—if the maintenance of navigability is legally paramount—then, of course, whenever any diversion is made which interferes with the navigability of the river, you can, of course, have your legal recourse.

MR. JENKINS: Yes; that is what we claim. We do not wish to surrender that point; but, by agreeing to your five years' proposal, we would be surrendering that point for that time.

MR. IRVINE: I do not think the practical question is likely to arise for a very much longer period than five years.

SIR JOHN SEE: When the river is not navigable, Mr. Murray, does it show perceptibly?

*Mr. Murray*: Yes.

SIR JOHN SEE: There are sand-banks and little bars formed across the river?

*Mr. Murray*: Yes.

SIR JOHN SEE: When the flow comes on, it clears that out?

*Mr. Murray*: I do not think it shifts it very much.

SIR JOHN SEE: At what rate does it flow?

*Mr. Murray*: The surface central flow is about 2 or 3—say  $2\frac{1}{2}$ —miles an hour: it is very slow.

SIR JOHN SEE: If it has this maximum flow you speak of—440,000 cubic feet per minute—would that only flow  $2\frac{1}{2}$  miles an hour?

MR. JENKINS: It is very slow. You can walk faster than the flow of the river in some places.

MR. GORDON: You say yourself, Mr. Irvine, that you do not think there is any likelihood of any further works on the Murray for the five years. We gain nothing, you see, by this concession of five years.

MR. IRVINE: I think myself that you gain nothing; but I understood, in making the proposition, that there was a great deal of apprehension in South Australia that we should go on rapidly decreasing the flow of the Murray, and this would tend to allay that apprehension.

SIR JOHN SEE: That resolution (Mr. Jenkins') would tie the hands of New South Wales completely.

MR. GORDON: I do not think so.

SIR JOHN SEE: If we do not get any further forward than we are at this point it will be indefinitely postponed; in other words, we could not do anything except in time of flood.

MR. GORDON: We would be only too anxious to seize the first opportunity of testing the matter at law, so as to get it settled, and to know where we are.

SIR

SIR JOHN SEE: That is the question of riparian rights?

MR. GORDON: And the rights of navigation too. It is desirable for all of us that we should know where we are.

MR. IRVINE: How would you test it?

MR. GORDON: My general idea is, that if Victoria started such a work as the Bungowanah Scheme, we would apply to the Courts for an injunction. We would get a private owner to take steps. If a decision were given against us we would take it on to the Privy Council and get it finally settled.

SIR JOHN SEE: If you do not agree to the proposition that has been made, and we do not agree to your proposition; nothing can be done; and your proposition would tie the hands of New South Wales for five years.

MR. GORDON: Could we not add to this, "or until notice of the construction of such works is given by one State to the other"?

MR. IRVINE: Could you not frame it in such a way that the resolution would not rest on the paramountcy of navigation?

SIR JOHN SEE: You run this risk, that, if the Court decide that any State can take as much water as it likes, it will put you in a worse position. If the law provides that we can do as we like with the water passing through our territory it will put you in a very much worse position.

MR. IRVINE: There may be another question, as to whether actual riparian proprietors in South Australia, apart from the State, have not some special rights.

SIR JOHN SEE: Supposing the Victorian Courts decide in favour of your appeal, we should still have our rights in New South Wales.

MR. GORDON: But the decision of the Privy Council would govern all cases. It appears, from the expressions of opinion of the members of the Conference, that Mr. Jenkins' motion is not likely to be accepted. The next appeal we make to the Conference is that nothing be done without giving us fair notice. We are in the position of being always apprehensive of all these schemes that have been suggested, both by officials and private people. We are in a constant state of apprehension lest these works should be begun to our prejudice, and begun and carried on to the prejudice, perhaps, of the sister State, by whom they are carried on, if eventually it were found that they had no right to take the water. We do not wish to cause loss to a sister State. We should be very sorry to insist upon a right, the insistence on which would cause loss to that State. Supposing Victoria spent some hundreds of thousands upon the river, South Australia would hesitate to take any action that would result in the loss of that expenditure. We would like to take action in time to save our own rights; and in time also to save a sister State from expenditure which might afterwards be found to be useless. In view of that, perhaps this resolution would meet with approval. You see the point? We would like to have reasonable notice of any works by which any State intended to divert the water of the Murray, so that we might be in a position to assert our own rights at the earliest possible moment, before either our own rights were prejudiced or a sister State had incurred expenditure. My resolution is:—

That, in view of the conflict of opinion regarding the rights of New South Wales, Victoria, and South Australia to the waters of the Murray and its tributaries, and the fact that no agreement has been arrived at, it is agreed that no State shall commence any new works for diverting the waters of the Murray, or its tributaries, except after giving twelve months' notice in writing to the other States. This agreement to be without prejudice to the claims of any State for any injury already inflicted by any other State, or the residents thereof.

This would only, of course, refer to new works.

SIR JOHN SEE: We have not any works at all; and that means that we should be stopped until this matter was settled.

MR. GORDON: No.

SIR JOHN SEE: We are going on with some very small works now.

*Mr.*

*Mr. Davis*: Yes; a very large number. We had authority from Parliament to spend £200,000 a year for five years to conserve water by diverting from the Murray and its tributaries.

MR. GORDON: You need not wait unless you like; but if you gave us notice, we should immediately apply for an injunction to restrain you.

SIR JOHN SEE: Has not the water been diverted by Victoria already? Cannot you take action there?

MR. GORDON: It is a debatable matter. I do not want to express an opinion on that if I can avoid it. If things have been done in the past we do not want to take any action to prejudice them.

MR. IRVINE: It does not seem that we can get very much further in this matter.

SIR JOHN SEE: I think the best thing to do is just to enter your suggestion on the Minutes and their objection to it.

MR. IRVINE: Mr. Jenkins, it is suggested that the offer and your counter minute should appear in the Minutes. Well, your counter minute consists so largely of argument, which looks plausible unless answered, that, if arguments are to appear at all, I should like to have a word or two as to the reasons against it. You say that 100,000 cubic feet of flow per minute is ridiculously low, because your lowest mean during those months is 287,000 cubic feet. It seems to me that the *mean* has nothing whatever to do with it; it is a *minimum* flow of 100,000 cubic feet that we give you. You would have a much higher mean than that. It is the minimum we guarantee. Is not that so, Mr. Murray?

*Mr. Murray*: I should say so. If you conserve water at all, you must diminish the mean flow of the river below.

MR. JENKINS: If there is no possibility of our coming to an agreement on these resolutions they should be withdrawn altogether; and just let my statement go in, and then you can state anything you like with regard to it. My statement just gives our reasons for objecting.

SIR JOHN SEE: It seems to me to be fair that the reasons should be given for the information of the public.

MR. IRVINE: Well, that could go in; and when we see the Minutes we could put in a statement, and submit it to you, Mr. Jenkins, or submit it to you first.

[*The course suggested, viz., that Mr. Irvine's proposal, together with Mr. Jenkins' statement of objections, should be put in the Minutes, and that Mr. Irvine should have the right to support his proposed resolution by inserting argument in favour of it in the Minutes, was agreed to.*]

#### Metric System of Weights and Measures—(Continuation of discussion).

MR. IRVINE: In connection with the metric system, it struck me that we might frame a general resolution with regard to two or three of these matters, showing our general approval of steps being taken, and uniformity arrived at; but pointing out that they could not very well be done by any legislation that the State Premiers might bring in, so we recommend it for the consideration of the Federal Government.

MR. JAMES: State action would be impossible.

MR. IRVINE: While legally possible, it would not be practicable.

MR. JENKINS: It is a question whether it is advisable for us to give an opinion upon this; it is a federal question now.

SIR JOHN SEE: It might be made a recommendation to the Federal Government that they should adopt the metric system.

MR.



MR. JAMES: It should be suggested that it is worthy of their consideration.

After an informal discussion of the varying standards of fruit cases, and of weights and measures in the Commonwealth, the following resolution, upon the motion of MR. IRVINE, was unanimously agreed to:—

“The Conference is of opinion that the adoption of the metric system of weights and measures would be of considerable commercial convenience; but that the subject could be more effectively dealt with by federal legislation than by any joint action of the States.”

### Differential Railway Rates.

MR. JENKINS: I do not know that we can do anything with this. The question was brought under my notice by some of our commercial people, more especially on account of a grievance they have against Victoria. The Victorian rates and charges on any goods that go from their State into ours, or from ours into theirs, are different from their charges on other goods. That practice will be dealt with by the inter-State Commission. Another practice to which strong objection has been taken is that of practically making no charge for wharfage on Victorian goods, while charging 5s. per ton wharfage on all goods that go from South Australia or New South Wales into Victorian ports.

MR. IRVINE: I thought we had practically abolished all those differential rates recently.

MR. JENKINS: No; I understand they are still in force. I would suggest that some agreement be come to between the Railway Commissioners of Victoria, New South Wales, and South Australia. Once they did meet, and very nearly came to a mutual agreement, but it fell through.

MR. IRVINE: I have been fighting against those differential rates for years—ever since I have been in Parliament. My constituency is very much interested in the question. At one time I very nearly carried a motion against the practice of charging differential rates; and only withdrew it on a promise that the Government would bring it before a meeting of the Commissioners, which was being held at that time. They considered it, but nothing was done. From Dimboola to the West, higher rates were charged on wheat and sugar and goods of that kind than east of Dimboola; and it pressed very hardly, not only on your people, but on ours too.

SIR JOHN SEE: Would it not be better to make a very strong recommendation to the Federal Government that they should carry into effect the provisions of sections 101, 102, and 103 of the Commonwealth Constitution Act, with reference to the establishment of the inter-State Commission.

MR. JENKINS: All our arguments in favour of federation were based on the assumption that the different ports should have the trade which naturally, geographically, belonged to them, without interference by the imposition of differential rates.

MR. PHILP: Could we not get our Railway Commissioners together, and instruct them to come to terms?

MR. JENKINS: That is what I was thinking. The new Victorian Commissioner, Mr. Tait, will be here soon; and he will be conversant with the American practice.

SIR JOHN SEE: If the inter-State Commission were established, the practice would be that one State would call the attention of the Federal Government to the  
fact

fact that an undue preference was being shown by another State, which was detrimental to the trade of a section of the Commonwealth. The Federal Government would then refer the matter to the inter-State Commission, who would deal with it.

MR. IRVINE: I should have no objection, as representing one of the greatest sinners in this respect (Victoria), to express the opinion—

That it is desirable, in the interests of the States represented, that the provisions of the Constitution to prevent undue preference or discriminations with respect to trade or commerce should be brought into effect at as early a period as possible.

SIR JOHN SEE: I think the trade of each of the States ought to take its natural trend, and when you try to prevent that, by differential rates or in any other way, you abuse the provisions of the Commonwealth Act.

MR. JENKINS: Could not we add to your motion, Mr. Irvine, something like this:—

That, pending the bringing into operation of sections 101, 102, and 103 of the Constitution Act and the appointment of the inter-State Commission, the Railway Commissioners of the various States should meet and suggest a means of overcoming the present difficulties and anomalies.

MR. PHILP: There would be a difficulty unless you instructed them to come to terms.

MR. JENKINS: They could make certain suggestions themselves which would overcome the difficulties to a great extent.

SIR JOHN SEE: The arrangements would have to be subject to the approval of the Executive.

MR. IRVINE: There should be no objection to arrange that the Commissioners should meet and prepare a joint scheme to recommend to the various State Governments.

SIR JOHN SEE: I do not think it is desirable. They would have the same tendency as now to endeavour to get as much trade as they could for their own Railways.

MR. IRVINE: The Commissioners might be given definite instructions to endeavour to arrive at some joint recommendations, and that there should be some give and take between the States.

SIR JOHN SEE: When the inter-State Commission is appointed, if there are anomalies those anomalies could be brought under their notice and dealt with; but if the Railway Commissioners were to meet, Mr. Jenkins, your Commissioners would not give way any more than you have given way over the Murray.

MR. JENKINS: I think they would. Take our dispute with the Victorian Railways: it is very annoying to both of us; and if an arrangement were arrived at I do not think it would matter very much to either financially.

SIR JOHN SEE: Would it not be better not to go into this, but to say that the inter-State Commission should be appointed as soon as possible?

MR. JENKINS: That is all right; but it is necessary to make some arrangement in the meantime, because it will take a long time to get the inter-State Commission in operation. It would be practically eighteen months before any effect would be given to it.

SIR JOHN SEE: Why should it? The Commission could be appointed immediately Parliament passed the necessary Act. I think the States want to trade on the best footing that the geographical conditions will allow. If people can get their goods to Melbourne cheaper under natural conditions than they can get them to Sydney, I do not think the railways should interfere. Victoria has been bidding for the Riverina trade by offering inducements; in turn, our Commissioners have offered inducements.

MR. JENKINS: If both those sets of inducements were wiped out, each of you would be in the same position as before. Then there is the wharfage: Tasmania is a great potato producer. Tasmania sends potatoes to Melbourne, on which Melbourne, I believe, charges 5s. per ton wharfage; but, I understand, no wharfage is charged on potatoes from a Victorian port.

MR..

MR. IRVINE : We charge the same wharfage rates to all ships, whether they come from the States or from foreign ports, or anywhere else.

MR. JENKINS : I think not. You allow produce that comes in from Victoria to pass in without paying the wharfage which is charged if it comes from South Australia.

SIR JOHN SEE : That is in connection with Victoria's own internal productions. We in New South Wales do not charge wharfage rates on the goods produced in our own State; but we charge a rent to the people who use those wharves.

MR. IRVINE : There may be an important discrimination there.

SIR JOHN SEE : I think there is.

MR. JENKINS : Take the Melbourne Harbour Trust : Section 110 of the Act under which they work is:—

Goods belonging to His Majesty's Government, passengers' luggage, goods arriving coastwise from any place in Victoria, are exempt.

If we send 100 tons of produce from Mount Gambier, we have to pay 5s. per ton; but if goods come from Warrnambool or Portland they pay nothing.

SIR JOHN SEE : That is all right. The goods are Victoria's own internal productions.

MR. IRVINE : I think that would come under the inter-State Commission.

SIR JOHN SEE : I think it is the best thing we can do, to pass a resolution that the provisions of the Constitution Act as to the inter-State Commission should be put in force as early as possible.

MR. JAMES : The question of the meeting of the Railway Commissioners, as suggested by Mr. Jenkins, would not affect us at all. There are no differential rates affecting Western Australia, so that there would be no object in sending the Western Australian Commissioner to such a Conference.

SIR JOHN SEE : It was never contemplated by this provision in the Constitution Act that a State could not fix any rates it may deem right for the carriage of goods within its own territory so long as it does not discriminate between its own produce and that from other States.

MR. JENKINS : No; the trouble is merely along the borders.

SIR JOHN SEE : The inter-State Commission is the tribunal which has been provided to deal with these matters; and I think we should ask that it be established as soon as possible.

MR. JAMES : Mr. Irvine's resolution says: "It is desirable, in the interests of the States concerned," &c., &c.; but the interests of Western Australia are not concerned in this; and I do not see the necessity at present, as far as Western Australia is concerned, for the establishment of the inter-State Commission.

SIR JOHN SEE : Would it not be better to say that, in the opinion of this Conference, it is desirable that the inter-State Commission should be appointed?

MR. IRVINE : We have a number of matters in this list, and I do not want us to appear to be recommending too much.

SIR JOHN SEE : I think this is one of the most important provisions of the Commonwealth Act.

MR. PHILP : I would like us to try to see if we cannot settle the matter ourselves; and I think that the Railway Commissioners, knowing that the inter-State Commission is behind, would make an effort to arrive at an agreement. If we were to instruct our Railway Commissioners to meet and do this, they would have to do it.

SIR JOHN SEE : If it were done under the law, then everybody would have to obey the law; but if it were done by agreement, there would be a lot of disputation. I think there is only one way of doing it. It is one of the matters provided for by the Constitution; and, to my mind, the sooner the provisions of the Constitution are brought into force, the better.

Mr.

MR. IRVINE: Mr. Jenkins' proposal is that the Railway Commissioners be instructed to meet and arrive at some joint agreement, and the Governments would be under no obligation to accept it.

SIR JOHN SEE: Then we would not be much further forward. I am quite willing to vote for the first, but not for the second.

MR. JAMES: I think the States themselves should make a vigorous effort to remove the irregularities before they call upon the Federal Government to deal with them. The inter-State Commission will be an expensive body. They will have to be paid and will require offices and a staff, and the expenditure should not be incurred as long as it can be avoided.

MR. IRVINE: It is very desirable that the Conference should be unanimous in any course they may adopt; but if Western Australia does not see that it is desirable to them that the inter-State Commission should be appointed, I do not think that Mr. James should be pressed upon it.

MR. JENKINS: There are a good many members of the Federal Parliament who are under the impression that the Railway Commissioners could perform the duties of the inter-State Commission better than any other body that may be appointed.

SIR JOHN SEE: I do not think that, because each Commissioner would go for the interests of his own State.

MR. JENKINS: Not if they were compelled to carry out the provisions of the Act.

SIR JOHN SEE: But they would not be compelled to do so unless they were appointed with the powers of the inter-State Commission.

MR. JENKINS: That should be done.

SIR JOHN SEE: Could it not be done by the Federal High Court?

MR. JENKINS: Yes; and it is a proposal that the Chief Justices of the various States should compose the Federal High Court.

MR. PHILP: I think we should make an effort to settle it ourselves. If we instructed our Commissioners to settle it they would do so.

SIR JOHN SEE: But, if the effect of the compromise that might be arranged were that New South Wales would lose a lot of revenue, the people of New South Wales would not be pleased, and so with the other States; whereas, here is a provision for an inter-State Commission, and, if that were properly constituted, we could appear before it and press our case.

MR. IRVINE: Perhaps we had better leave that, and go on to the next business, if we cannot agree upon it.

#### Stamp Duty payable on Receipts of Commonwealth Officers and on Contractors' Documents.

MR. NICHOLLS: It appears to me that this is a question that can only be settled by a Court, and, personally, I do not think that much can be done by discussing it.

MR. GORDON: We have a case before the Supreme Court now.

SIR JOHN SEE: If a Civil Servant of the State has to pay stamp duty, why should not a Civil Servant of the Commonwealth?

MR. RASON: In our State and in Victoria Civil Servants do not have to pay stamp duty on their salaries. The practice varies in the different States.

MR. NICHOLLS: I do not wish to press the matter. I will withdraw it.

Services

**Services rendered to the Federal Government on State Railways.**

MR. NICHOLLS: This is a matter which very seriously affects us, and I understand Queensland is in a similarly disadvantageous position.

MR. PHILP: No; we have altered our Act.

MR. NICHOLLS: The provision of the Defence Act is that members of the Defence Forces shall be carried free when on duty; and it was carried to such an extent that we found it was absolutely necessary to supply a special train for the Easter Camp—yet we could not charge for it.

SIR JOHN SEE: If you charge, they debit you for it, do they not?

MR. NICHOLLS: Yes; under the book-keeping system, of course, it would be as broad as it was long.

SIR JOHN SEE: That is, during five years.

MR. NICHOLLS: We do not know when we are likely to get a Federal Act providing uniformity.

MR. IRVINE: We passed an Act; and we charge them.

MR. GORDON: They pay us £2,000 a year.

MR. IRVINE: We charge them for the actual tickets.

SIR JOHN SEE: We charge half rates for the carriage of soldiers on our railways. In certain special cases we make concessions. For example, we make special concessions for men coming down to receive their medals; but that is optional on the part of the Government.

MR. NICHOLLS: I wanted to ask the Conference whether they thought it desirable to make some representation as to the necessity for uniformity. It seems to me that, although a Defence Act may be passed next Session, the Commonwealth Parliament may not enact anything under subsection XXXII, as to the control of railways, for an indefinite period; and we should be going on without uniformity for an indefinite time.

MR. GORDON: I believe it was contended that, theoretically, under this section they are entitled to have their men carried free; but it would depend on public opinion so much that I do not think they would claim it.

MR. IRVINE: I do not think we could do much in the way of uniformity.

MR. NICHOLLS: Might we not ask them to make a uniform proposal to all the States?

MR. IRVINE: You see we have a fair arrangement; they pay us fares.

SIR JOHN SEE: Half-rates or full rates?

MR. IRVINE: Full rates, I think. I am not certain whether we do not make some slight reduction; but certainly it is nothing like half.

MR. NICHOLLS: I think we must repeal our Act.

**Uniform System of Government Holidays.**

SIR JOHN SEE: I think the States should come to an agreement on this question. It is a matter that gives a good deal of trouble.

MR. GORDON: We have been cutting down holidays in every direction in South Australia; and we have been backed up by the public.

MR. NICHOLLS: The commercial men are rather against the holidays.

MR. JENKINS: We give a holiday on Proclamation Day, the 28th December.

SIR

SIR JOHN SEE: I appointed a Committee some time ago to consider this question; and, on their recommendation, this list was agreed upon:—

New Year's Day;  
 Anniversary Day (26th January); that is our national holiday;  
 Good Friday;  
 The Saturday after Good Friday;  
 Easter Monday;  
 Eight Hours' Day;  
 King's Birthday;  
 Christmas Day;  
 Boxing Day.

I suppose we shall keep up the Prince of Wales' Birthday—the 3rd June.

MR. JENKINS: Do you pay your railway officials and others on those days?

SIR JOHN SEE: Yes.

MR. JENKINS: Giving them entirely an independent holiday on those days?

SIR JOHN SEE: Yes.

MR. JENKINS: We do not do that entirely. I think it would be better to leave it as it is in each State at present.

#### Notification Clauses of Venice Sanitary Convention.

MR. NICHOLLS: An agreement was arrived at at the last Conference that the Federal Government only should be notified by the various Australian States in the case of plague or other notifiable disease, instead of notifying each State which has agreed to the Venice Convention, and let the Commonwealth Government notify those States. As far as we are concerned, we are quite content to abide by the arrangement that we should only notify the Federal Government; but I understand that Victoria and Queensland desire that the Australian States should notify one another as well as the Commonwealth Government.

MR. JENKINS: We do that at present, I think, and always have done.

MR. NICHOLLS: Yes; but there was an agreement arrived at that it should not be done, and that it was sufficient to notify the Federal Government.

MR. IRVINE: What I thought was meant was that, for purposes outside Australia, it would be sufficient that the Commonwealth Government should notify the parties to the Venice Sanitary Convention on behalf of the States generally; but that, as between themselves, the States ought to notify one another as well. Is it not advisable that each State should know at once?

MR. PHILP: I think that each State should advise each other State, and let the Commonwealth Government advise the parties to the Venice Convention.

MR. NICHOLLS: It is not very important, but there would be a saving of time by direct notification in place of letting the information filter through the Federal authorities.

MR. JAMES: What is the whole matter involved? Only the sending of letters.

MR. JENKINS: Only a wire.

MR. NICHOLLS: I have no objection to make; but there was an agreement, which Victoria and Queensland desired to be negatived.

MR. IRVINE: I do not think we desire the agreement to be negatived. What we desire is that, notwithstanding the adherence of the Commonwealth Government to the Notification Clauses of the Venice Sanitary Convention, the State Governments should continue to notify the other State Governments of Australia and of New Zealand as to cases of plague; but it is considered unnecessary to any longer notify any oversea powers except through the Federal Government.

MR. JAMES: I think it would be sufficient to advise the Agent-General and the Commonwealth, as we have done.

[The Conference at this stage adjourned for luncheon.]

FIFTH DAY, MONDAY, 20th APRIL, 1903. 3.50 p.m. to 5.30 p.m.

State and Federal Loans—(*Continuation of discussion*).

MR. IRVINE: The subject we were discussing this morning was the question of State and Federal loans. Copy of the memorandum I have prepared is before each of the gentlemen present.

SIR JOHN SEE: It is proposed to pin the Commonwealth Government down to provide from the Customs revenue for a considerable amount of the obligations that we should have to incur unless they undertook to do so, and thus prevent them from appropriating the revenue derivable from the Customs to other purposes.

MR. IRVINE: They may, at the expiration of the book-keeping period, devote the whole of the revenue from Customs and other sources which they control to other purposes, and thus leave the States stranded.

MR. JAMES: I think the only real asset we have is the power of taxation.

MR. IRVINE: To briefly state the case, it is this: You will remember, at the time of the Convention there was the greatest discussion as to how the States were to meet the liability of the debts if they handed over the Customs revenue to the Commonwealth; then there were various propositions suggested of devoting that revenue, all of which were rejected; but it was eventually decided that we must hand over the whole of the Customs revenue or none at all, and in order to save the States the Braddon clause was inserted; and at the same time they took into consideration what should be done at the end of the Braddon clause, and also provided that the balance was to be paid over to the States or applied towards the interest on debts taken over by the Commonwealth. They may say,—We cannot take them all over, but we will take over a proportion of them where the terms of loan and conditions of interest are similar in the various States.

SIR JOHN SEE: Supposing they ask us to hand over our railways?

MR. IRVINE: We simply would have nothing to do with any such proposition. We do not propose to do anything of the kind. I know perfectly well the Federal Government will not look at this memorandum at the present time; but if our view is right, the only thing we can do is to make this formal statement a recommendation of the Premiers of all the States, with their reasons fully and clearly stated.

MR. JAMES: The present feeling of the Federal Government is that if they take over our debts they ought to take our assets; but they have the biggest asset already—the Customs revenue and the right of imposing taxation.

MR. JENKINS: They have £70,000,000 capitalised assets in the Customs receipts of New South Wales alone.

MR. IRVINE: The Crown lands of the State are no more pledged to the creditors than your private house would be to the Bank if you overdraw your account to the extent of £100.

SIR JOHN SEE: I suppose if I did that without furnishing security, the Bank would have recourse by making me pay or seizing my house?

MR. IRVINE: But that would not prevent you from selling your house in the meantime. It is not likely that if the Federal Government find themselves with a big balance to return to the States, that they will be as careful as if they had to provide the money for their own requirements by resorting to taxation.

*Mr. Philp here (4.30 p.m.) retired from the Conference.*

SIR JOHN SEE: I cannot dissociate from my mind the feeling that this matter is premature.

SIR ARTHUR RUTLEDGE: It takes a long time to educate the people upon a matter of this kind.

*(Further discussion of this subject was postponed until the following day.)*

Relations

**Relations between States and Commonwealth in regard to the Audit of  
Expenditure charged against the States.**

SIR JOHN SEE: I will read the following in connection with this matter:—

RE COMMONWEALTH AND STATE FINANCES.

In a certain sense the Commonwealth Treasurer is the trustee of the State Treasurers for the collection of revenue. Not more than one-fourth of the net collections of Customs and Excise may be retained for Commonwealth purposes, the balance being returnable to the States. In the collection and distribution of revenue it may be readily understood that various occasions may arise where the Commonwealth and State interests involved may be opposed. Under the present conditions it rests entirely with the Federal Treasury to say what revenue belongs to the States and what to the Commonwealth, what is new expenditure and what is expenditure on transferred services. In ordinary business, where two parties have financial relations with one another involving opposite interests, it would be thought very extraordinary if one of the parties assumed entire control, and, without any check on the part of the other, made up the respective shares to which each was entitled and distributed the money accordingly. Now this is precisely what is happening as between the Treasuries of the States and Commonwealth.

There is no check by the States in regard to the following matters, all of which are of importance:—

- (a) The sums charged as new expenditure and distributed on the basis of population amongst the States.
- (b) The charges against the several States for services transferred to the Commonwealth.
- (c) The collections in one State of duties finally payable to another State.
- (d) Charges of collection. These charges are, of course, entirely within the discretion of the Commonwealth but State interests are sometimes involved. The State of New South Wales, for example, might reasonably complain of the arrangement under which the whole Customs Staff along the borders of Victoria, South Australia, and Queensland is or has been maintained at its sole cost.
- (e) The retention by the Commonwealth in suspense of money returnable to the States where no harm could arise by its distribution.
- (f) The allowances made by way of rebate.

These do not represent all the matters of the character alluded to, but they indicate the direction in which checks are necessary.

It may be argued that the State Audit Offices should do this work. But there is, in the first place, no authority for them to make investigations; secondly, the documents necessary for proper investigation are in Melbourne; and thirdly, the Auditors General are sub-Auditors of the Commonwealth, and in this respect occupy an anomalous position in regard to their own States.

It is probable that nothing determinative can be arrived at in regard to this matter without discussion with the Commonwealth Treasury, but the opinions of the State Treasuries might be obtained in regard to it and communicated to Sir George Turner.

I think these are very important matters. I bring this forward now only in a formal way, and will have copies of the papers placed before you in the morning. At the present time we have a very able Federal Treasurer in Sir George Turner. I think he will look after State interests as thoroughly as he has looked after the interests of the Commonwealth, and I have the utmost confidence in him. But later on we might get a man just the opposite, and in that case it would be a very serious matter.

**Naval Defence of Australia.**

SIR JOHN SEE: I will read a letter received by me in regard to our Defences:—

With reference to the proposed Naval Defence Scheme, and the wish of Australians to have a navy of their own, they have never realised not only the expense, but also the uselessness of expending their money in third-class cruisers. There is no doubt that the ambition to own ships is a strong one, but at present neither the population nor finances are equal to such a scheme. Say that the money voted were put to buy ships. At the end of eight years Australia would own four, and two at least would be obsolete. Again, should, in case of war, an enemy's cruiser or cruisers avoid the British fleets, and arrive off the coast of Australia; they certainly would be first-class cruisers, if not armoured ones, and the third-class ships would be perfectly useless.

A better way to expend the money would be in devoting it to training officers and men who, when the time comes that Australia could afford big ships of her own, would be the nucleus of their future navy; also, when men and officers were trained for torpedo destroyers, the Admiralty could supply these, and they would be a real local defence.

Again, if two boys' training ships were supplied—one for New South Wales, Queensland, and Tasmania, and one for Victoria, South Australia, and West Australia,—they would not only raise up a real good Naval Force, but would keep many a good boy from trouble who now get among the larrikins of the ports.

These



These boys' training ships would be practically State ships, and each would benefit, and would get good results for their money; and these boys would not only be for her navy, but also be the nucleus of good Australian-merchant seamen.

There is a great deal of force in what he says about these third-class boats. We have three or four of them here, and a cruiser would blow the whole lot of them to pieces in a few minutes; but we could utilise them as training ships. Shall we have this paper printed?

MR. IRVINE: I do not know how far we can deal with it. I have the strongest feeling in favour of the Naval Agreement, and it seems to me that it would be most ungenerous of Australia not to agree with it. In the first place, its terms are so favourable to Australia as almost to be humiliating to our self-respect. The expenditure in England upon the Navy is 15s. per head; and yet under this new agreement, by which we share in the protection afforded by the British Navy, we are asked to contribute towards that protection 1s. per head—£200,000.

MR. JENKINS: At present we only contribute about 6d.

MR. IRVINE: I think it is almost humiliating. It is all very well to speak about England being rich; but it is not from the rich the money is drawn. It is drawn in time of war from the products consumed by the masses. But if we do not accept the agreement, what is our alternative? Some people think we ought to try and get a little navy of our own. I know what that feeling has arisen from: it has arisen from a national jealousy of an Imperial Army being stationed here. You can have a very fair citizen's Force, quite independent of outside armies altogether, but you cannot have a detached navy with any effectiveness whatever.

MR. JENKINS: Dropping this training-ships question for a moment altogether: do you not think, if we should agree to that provision, that more additional opportunities should be given for Australia to partially man some of the warships with Australians? This is not provided for to any great extent at present.

MR. IRVINE: You have a training vessel to train boys. They could recruit here, and the only difference between here and England would be that in England they have large naval reserves.

MR. JENKINS: We have a naval reserve in our State now which has practically gone through the limit of time as far as naval practice is concerned with our local warship. When the war with China broke out, we sent from South Australia, the "Protector," manned by men from our naval reserve as well as by its own crew. But they were not recognised as naval men when they got to China, the same as those from England; they were not on the same footing. We want our men placed on the same footing in warfare as if they had been in England, or anywhere else.

MR. IRVINE: We are haggling about small matters. If I were in Sir Edmund Barton's place, I would come forward at the present time with a much bolder policy. I would urge the people to accept something like a fair share of their responsibility—three or four times the amount at least of what is asked. Mr. Seddon adopts the right course; he is pressing to take a larger share. If we were to do that, we might then be in a position to make more drastic terms as to manning the ships stationed out here. But when we grumble at paying 1s. per head, and then press for more stringent conditions, it seems to me to be most ungenerous.

MR. JENKINS: The British Navy, to a great extent, is for the protection of British commerce, and it is questionable whether we ought to involve ourselves in expenditure beyond the proportion of the commerce which belongs to Australia.

MR. IRVINE: Could we remain in commerce any longer if the British Navy were withdrawn?

SIR JOHN SEE: I think we might postpone this discussion until to-morrow.

[Agreed.]

Conference

**Conference of Explosive Experts, with view to adoption of Uniform Legislation.**

SIR JOHN SEE: Mr. Philp said Queensland had a Bill prepared dealing with explosives, and in Tasmania they also have a Bill prepared. I would suggest that the different Bills prepared should be compared, with a view to arriving at something like a uniform measure.

MR. NICHOLLS: I would like to draw attention to the resolution passed at the last Conference. It reads:—

“That the Governments of the several States of the Commonwealth be requested to arrange for a conference of experts to consider and advise on the question of securing uniform legislation as to the inspection, carriage, and storage of explosives.”

According to our expert, it is necessary that there should be thorough expert advice on any Bill to be framed. As far as I can see, it would be necessary for the experts to meet.

MR. JAMES: Queensland has an Act prepared in print. They could send each State a copy of their Act, and we could make any amendments we thought fit.

SIR ARTHUR RUTLEDGE: At the last Conference it was agreed to send an expert from each State to confer on this matter.

MR. JENKINS: I am quite prepared to send a representative, and what existing legislation we have on the subject they could use.

SIR ARTHUR RUTLEDGE: It may be possible that the Queensland Bill, as drafted, could be accepted.

MR. NICHOLLS: Our expert could attend at any time.

MR. IRVINE: I do not know that our man would be available, but we could undertake to send somebody. But would it not be cheaper to adopt the suggestion made by Mr. James, that we should each have an opportunity of considering the Queensland Bill, and allow our experts to make any suggestions they think proper, and exchange their ideas; and if ultimately any difference of opinion arose, we could then arrange a conference of experts.

SIR ARTHUR RUTLEDGE: We will undertake to send a copy of our Bill to each Premier for submission to his expert, with an invitation to comment upon same.

MR. NICHOLLS: And it will be understood that we shall exchange comments.

SIXTH DAY, TUESDAY, 21st APRIL, 1903. 11 a.m. to 1.30 p.m.

Charges in connection with Flotation of State Loans.

MR. NICHOLLS: Our late Treasurer, Mr. Bird, brought this matter before the last Conference. What he was troubled about appears to be the iniquitous system pursued in London of compelling us to get our loans underwritten. We have a despatch from our Agent-General which reads—

As you are aware, all the recent Colonial loans have been underwritten. This means that the broker communicates with clients or others, and procures them to enter into agreements to guarantee or underwrite the loan. For this service, the brokers charge  $\frac{1}{4}$  per cent. upon the capital loan; the guarantors, in consideration of their guarantee, charge 1 per cent. upon the total loan. The Colony thus pays  $1\frac{1}{4}$  per cent. in addition to the  $\frac{1}{4}$  per cent. always paid to the bank, and in addition to stamp duty and other charges.

This system seems to me to be very oppressive, and so I told Mr. Russell. He said that the bank set their face against it in the first instance, but that they had to give in. He hoped that at some future period, when the money market is more settled, the system of underwriting may be dispensed with; but I fear, unless some steps are taken by the Colonies to prevent it, that this system will probably grow into a fixed custom. At the same time, I am unable to suggest at present what steps should be taken. I was assured by Mr. Russell, in answer to my inquiry, that the bankers in no way participate in the  $1\frac{1}{4}$  per cent. charged for the underwriting.

I suppose all present are aware that, in floating mines and commercial speculations, the practice of underwriting is practically invariable; but it seems, from what one can learn, that there is no reason for it in regard to State loans, and the question is whether it is not possible for the Agents-General to meet together, and possibly do away with this expense. It means an extra  $1\frac{1}{4}$  per cent., and the practice has been discouraged in very strong language in some private letters from London by financial men of considerable knowledge, who have referred to it as a swindle.

MR. JENKINS: The people who underwrite are practically the people who deal with all the financiers in London, and if they boycott your loan there is a possibility of its not going off. When money is plentiful, and there is no trouble in floating a loan, this practice might be objected to and abolished. The danger of making a break when there is a tightening of the money market is that it may be twelve months before you can get a loan on to the public.

MR. IRVINE: We resented the practice complained of in Victoria very strongly recently, with the result that there was only about 6 per cent. or 7 per cent. of our loan taken up. If it had not been underwritten it would have practically failed.

MR. JAMES: From the information we have, it looks as though we paid the underwriters 1 per cent. not to damn the loan.

SIR JOHN SEE: I suppose you all noticed yesterday that the German Government had floated a loan of £14,000,000 at 3 per cent. which realised 92. That would give them a net return of 90 or very little more. Money, like ordinary commodities, is governed by supply and demand, and you cannot make a hard and fast rule. There was a time, in 1893, when all these Colonies were paralysed practically, and properties decreased in value by 50 per cent. It is very much like a man who has been ill with some fever: when he gets better his strength comes back; and so it is with the States. When you come to realise that £250,000,000 have been spent over the South African war, and a further sum of £35,000,000 will be needed to settle matters there and put things in running order; and besides this, Russia, Germany, and France are all coming on the money market, and building iron-clads and incurring all manner of expenses,—it is probable that expenditure is in excess of profits right throughout the world. London is the crux of the position. A few men in London represent the whole financial world, and if these men say they will not encourage a loan it practically means that their clients are debarred from touching the business. If they can lend their money out to better advantage, they do it. If they can see their way clear to come in and guarantee a loan, they do it. Judgment has to be exercised in these matters, and you cannot make a hard and fast rule. Supposing you put a loan on the market and depend upon the public to take it up, the public are guided by their advisers, and it simply means you have to let your Agent-General sell your Stock to those who will buy it. How many people even know that there is such a person as the Agent-General?

MR. NICHOLLS : Notwithstanding that, this system of underwriting is new.

SIR JOHN SEE : It suits the particular circumstances.

MR. IRVINE : Is it new ?

MR. NICHOLLS : As far as Tasmania is concerned it is.

MR. JENKINS : For many years we were not subjected to this practice of underwriting. The London manager of one of the Banks was our Agent-General's adviser in reference to the flotation of loans ; and, I believe, he advised that, in order to make certain, the loans would have to be underwritten, otherwise they would probably fail.

MR. IRVINE : I am inclined to agree that the only kind of joint action that could be taken would be to resist this charge, but that would be extremely imprudent in the present state of affairs.

SIR JOHN SEE : If you put a debenture loan on the market now, you would not get its value, because our stock is as valuable intrinsically to-day as when money was cheap, and the man who buys our stock gets it at, say, 94. But we know how these things fluctuate, just as automatically as any other form of business, and the money market is affected by supply and demand.

MR. NICHOLLS : Would it not be worth while communicating with the Agents-General and ask them to investigate the necessity for this underwriting, and report, for the sake of having the information ?

SIR JOHN SEE : The financial part of the business of this State, as far as our loans are concerned, is done through the Agent-General, and he told me last time that it was absolutely impossible to guarantee the flotation of a debenture loan, unless it was under-written. If we attempted it, the money market may go against us, and that constitutes the men who have the money. I say plainly that some two years ago all manner of combinations were at work on the money market, and that has contributed to making the money dearer. I could have floated a loan here easily enough, but if I had done that I would have taken from the Bankers the money which is now employed in industrial pursuits. They would have had to take up our Stock in some shape or form, but it would have made money dearer ; and the strange part of the whole business is, that we have kept our Bank rate of interest down, and this is the primary result of not drawing on the local market. If you make your money dearer here it spreads throughout the whole community ; and it is better to get your money elsewhere at a little less than you could float a loan at here to-day, but the effect of floating a loan here to-day would be to make the market dearer here to-morrow.

MR. GORDON : As against that, take the opinion of the late Sir Henry Ayres, who was looked upon as an authority. He said that the burden of remitting to England, in gold, the enormous amount payable in interest, would soon become insupportable, and he saw an absolute end to it.

MR. IRVINE : It is not a matter of sovereigns ; it is a matter of exchange.

MR. NICHOLLS : I do not think we could do much by coming to any definite decision. I do not wish any definite resolution on the matter ; but it looks, as far as we are concerned, that we have not all the information which might be obtainable as to how this system of underwriting has grown up in connection with State loans.

SIR ARTHUR RUTLEDGE : We have been advised to the same effect. Our Agent-General has written to say that, if we do our best, we cannot avoid this charge.

SIR JOHN SEE : It would be simply ridiculous for us to attempt to adopt any automatic arrangements in connection with this matter. We would put ourselves in a false position. We are the borrowers, and they are the lenders, and we have to  
borrow

borrow under the best conditions; and, if you can make better conditions by underwriting, and do not jeopardise the credit of the States, then you underwrite; but it does not follow that you must always underwrite. That is a matter for consideration as times arise.

#### Reciprocity in regard to Free Passages on Railways for State Officials and other State Visitors.

MR. NICHOLLS: What we want to know is what officers, and gentlemen accompanying them, the other States really expect to receive free passes on our railways?

SIR JOHN SEE: Have you not a Railway Act?

MR. NICHOLLS: We have no list, and our process has been to give free passes to all distinguished visitors; and being a tourists' country, and in the neighbourhood of States which possess many distinguished men, we find we have a very large number of visitors each summer; so much so that it is felt it is too great in proportion to the railway system of Tasmania.

SIR JOHN SEE: You do not run one train more on account of the passes.

MR. NICHOLLS: We have given passes to anyone recognised as a distinguished visitor.

MR. IRVINE: We used to grant passes to anyone almost, but we have restricted it very much lately, only granting them to Government officials. We have no law on the subject, but we give passes to people truly representing other Governments. And in the case of any others who may apply for them, such as distinguished visitors, they are referred to me as Premier of the State, and I treat them as special. I would regard the members of this Conference as special cases.

SIR JOHN SEE: We grant free passes to our Members of Parliament, and for one month to their wives also. Our Railway Commissioners have certain powers under the Act; but if it is not within their power to issue a pass to any particular applicant, he is referred to the Premier, and if it is a justifiable case a pass is issued, and debited by the Railway Commissioners against the Government.

MR. NICHOLLS: Do you not recognise Parliamentary passes issued in other States?

SIR JOHN SEE: Yes; but life passes only of our own State.

MR. IRVINE: If a member of our Government, or a leading official in any other Government, were sent to you on business, you would give him a pass?

SIR JOHN SEE: Certainly. That is done every day, in point of fact.

MR. IRVINE: We also give Consuls passes.

MR. JENKINS: If we think a Consul wants to visit Victoria on a holiday trip we do not give him a pass. We refused a Consul some time ago.

MR. IRVINE: About Cup time we found there was a perfect influx of wandering British Naval Officers, and such like, who were simply over to witness the races, and wanted to travel over our railways free.

SIR ARTHUR RUTLEDGE: We give passes to distinguished visitors, but it is left to the discretion of the Minister for Railways to decide.

MR. IRVINE: I think it would be quite impossible to adopt any list in connection with this matter.

MR. JENKINS: In our State, the wives of all Ministers and Members have to pay in the ordinary way.

SIR JOHN SEE: Our practice is to give the wives of Members a pass for one month in the year.

MR. NICHOLLS: I suppose I am to assume that there is a general desire that whatever arrangements we may make should be as far as possible reciprocal—to do to others as they do unto us.

Nature

**Nature of Support to be jointly accorded by the States towards Management of  
Imperial Institute.**

MR. NICHOLLS: I do not propose to do anything in this matter.

**Establishment of a School of Tropical Medicine.**

MR. NICHOLLS: This was put on the Agenda Paper at the request of the Prime Minister of Tasmania; but I quite fail to see how we have any particular interest in it.

SIR JOHN SEE: Do you withdraw this matter?

MR. NICHOLLS: Yes.

**Work performed by Officers of the Postal Department for State Savings Banks.**

MR. NICHOLLS: This is the result of an intimation from the Post Office Department that they intend to increase their charge for the work done by them in connection with our Savings Bank from 5s. per cent. on the deposits to 6s. per cent. on deposits and withdrawals.

MR. IRVINE: What work has been done?

MR. NICHOLLS: The work done by them for our Government is the receiving of money, paying out, and keeping entries and sending returns to the head office, which is now a State office away from the Post Office Department. The charge of 6s. per cent. seems certainly excessive. I would like to know if Mr. James is prepared to pay the 6s. per cent.?

MR. JAMES: We will wait and see how it pays.

MR. JENKINS: We use the Post Office, but the Savings Bank is managed by Trustees, and the only connection the Government has with it is the appointment of Trustees. The Government has no control or general power over the management or arrangements of the Bank at all; and it would rest entirely with the Trustees whether they wished to make an arrangement or not with the Postal Department through the Federal Government. So, practically, this is a matter that would not come under our notice.

SIR JOHN SEE: We have two Savings Banks—one under the Post Office, and the other managed by Trustees. The Savings Bank in Barrack-street has been in existence for years, but the Post Office Savings Bank has only been in existence a short period.

MR. IRVINE: What were these officers before the Post Offices were transferred to the Commonwealth?

MR. JENKINS: They were Post Office officials. The Savings Bank work is only a portion of their duties. The Savings Bank in our State pay them a percentage on the amount of money paid through the Bank, and this may vary from £5 to £50 per annum, according to the amount going through the country branches.

MR. NICHOLLS: They were doing our work for 5s. per cent., and now they propose to more than double it. Instead of charging 5s. per cent. on the receipts, they propose to charge 6s. per cent. on the receipts and withdrawals. Have you Savings Banks in country towns?

MR. POLLOCK: Yes.

MR. NICHOLLS: How do they withdraw?

MR. POLLOCK: By application, through the Treasury.

MR. IRVINE: I think, in Victoria, the Bank is all one. I do not think we have a Post Office Savings Bank.

SIR ARTHUR RUTLEDGE: I think 6s. per cent. is too much. I think we might offer them 3s. per cent., and if they will not accept that, we can make other arrangements.

SIR

SIR JOHN SEE : What other arrangements could you make ?

MR. NICHOLLS : The Education Department in our State could do some of our work.

SIR JOHN SEE : I suggest that you had better get copies of both our Acts.

MR. NICHOLLS : I merely want to know whether the Conference considers the charge excessive, and whether we cannot join in some action in that respect. By that means we might be able to induce the Federal Government to moderate the charge. The same officers as before are doing the work on exactly the same salaries.

SIR ARTHUR RUTLEDGE : There is only Tasmania, Queensland, and Western Australia interested. The question is whether we should join in representations to the Federal Government that the 6s. per cent. is excessive ?

SIR JOHN SEE : I think it is a Treasury matter. It is very much like the officers in other Federal Departments who are at times engaged on State work. They have to receive remuneration for the work done, and the question is, how much should they get ? If it is a proper thing for the States to charge the Federal Government for work done for them, then it is a fair thing for the Federal Government to charge the States for work they do for us.

MR. NICHOLLS : There is no question whatever about that ; it is only a question of price.

MR. GORDON : In this instance, it is all clear profit to the Commonwealth ; there are no extra men employed.

SIR JOHN SEE : I will send for the Under-Secretary for Finance and Trade, and see what information we can obtain on this matter.

*(Mr. Kirkpatrick, the Under-Secretary for Finance and Trade, New South Wales, was then summoned, and on arrival gave the following information.)*

SIR JOHN SEE : Can you tell us, Mr. Kirkpatrick, what proposition has been made by the Federal Government in regard to our Post Office Savings Bank business—what charge they propose to make for services rendered in connection with receipts and withdrawals ?

*Mr. Kirkpatrick :* The charge they propose to make is about 6s. per cent.

SIR JOHN SEE : Supposing a man has £100 in one of the country offices—if he presents his book does he get his money at once ?

*Mr. Kirkpatrick :* Yes.

SIR JOHN SEE : The Act says the money is to be drawn from the Treasury ?

*Mr. Kirkpatrick :* That is, subject to Regulations.

SIR JOHN SEE : Do you consider 6s. per cent. excessive ?

*Mr. Kirkpatrick :* I think it is.

#### Incidence of Victorian Income Tax Act upon Residents of New South Wales deriving Income from Victoria.

MR. IRVINE : The principle of our Income Tax is that it is not an income tax levied upon citizens of Victoria, as such, but upon all incomes which are made in or derived from Victoria. Our whole income tax legislation, in all probability, will be revived.

MR. JENKINS : How do you collect it ?

MR. IRVINE : We collect it on the basis of the commission derived from property through the agents, who render returns. I think it would be very desirable if we could agree to arrive at some uniform rule to be adopted by the various States with regard to the relative incidence of income tax.

SIR

SIR JOHN SEE : This is a letter which has been written to me,—

I UNDERSTAND you are arranging a meeting of State Premiers, in Conference, at an early date, for the purpose of dealing with subjects of inter-State importance.

I will be glad if the undermentioned subject may have your consideration, and, if deemed of sufficient importance, may, also, have the consideration of this Conference of State Premiers.

The Victorian Income Tax Act provides for an exemption, but limits this right of exemption to persons residing within the State of Victoria within six months of the assessment. In this way Victorian legislation differentiates against absentees.

Within recent years, considerable numbers of Victorian farmers have moved into New South Wales, and have settled in our State, still holding small properties and other interests in Victoria from which income is derived. This is no doubt applicable to the other States also. In all such cases, although the persons are residing within the Commonwealth, still they are dealt with as "absentees," and their claims for exemption disallowed by the Victorian Taxation Department.

It is desirable, in the interests of federation, that equal and equitable treatment be meted out to the residents of the Commonwealth, and to this end the old inter-State differences and preferences should be removed as speedily as possible. Section 117 of the Commonwealth Constitution appears to aim at this desideratum; but learned and competent Constitutional authorities differ as to the bearing of this section upon the Victorian legislation in question. I understand the Victorian Government are advised that they are within their legal rights in so differentiating, and so permit the operations of their Income Tax legislation as prior to federation.

It seems to me that the matter is of some inter-State importance, and is one on which some common understanding and amicable arrangement may be arrived at, per medium of your Conference, and, hence, my reason for approaching you upon the subject.

*Victorian Income Tax.*

*Mr. Brown* asked the Attorney-General, upon notice:—

1. Is he aware that residents in New South Wales deriving income from Victoria are treated as "absentees" by the last-named State in the matter of Income Tax assessments, and are not allowed the exemptions accorded to residents of Victoria?

2. Can he say whether this preferential treatment is in accord with the spirit and letter of the Commonwealth Constitution, section 117 of which provides that "a subject of the King, resident in any State, shall not be subject in any other State to any disability or discrimination, which would not be equally applicable to him if he were a subject of the King resident in such other State"?

*Mr. Deakin* : I am not aware of the truth of the allegation in the first question, though I accept the Honorable Member's statement of the fact. With regard to the second query, the matter can be determined only by a judgment of the High Court, or of the Privy Council. As the question affects the revenue of a State, it is not desirable for a Commonwealth Officer to offer an opinion in regard to it.

MR. IRVINE : He is wrong. The recent Act which we have passed in Victoria has done away with any differentiation. It is quite true that by the Act brought in by Sir George Turner there was differentiation—something in the nature of an absentee disqualification—those absent for six months could not claim any exemption; but that has been done away with.

**A States' Paper Currency.**

SIR JOHN SEE : This practically means a State Bank.

MR. IRVINE : It is a sort of dissipation as the result of disaster.

SIR ARTHUR RUTLEDGE : During the crisis of 1893 we passed a Statute by which the Treasurer was empowered to issue Treasury notes.

MR. JENKINS : How low denomination could he issue?

SIR ARTHUR RUTLEDGE : Treasury £1 notes; and he had to have so many sovereigns, according to the number of notes in circulation.

MR. IRVINE : Can we arrive at anything definite?

SIR JOHN SEE : As far as my views are concerned, I am absolutely opposed to what they call a State Bank.

MR. IRVINE : Our credit would go down to zero. I think this is a matter that might be allowed to stand over.

Murray



### Murray River Fisheries.

MR. JENKINS: I have received the following letter from Sir Jenkin Coles on a matter which I think affects New South Wales, Victoria, and ourselves. It is in connection with the fisheries:—

I do not know whether the Conference now sitting intend to consider the question of the Murray fisheries. At present I believe several Acts are in force, but what is wanted is uniformity of legislation, especially in relation to closed waters. In South Australia the existing legislation is of little use, owing to the closed seasons in the other States being fixed by different Acts. At Morgan, for instance, when the fishing season is closed there, the fishermen simply shift their boats up the river to the boundary of the State, and thus evade the law. Will you kindly bring this matter under the notice of your colleagues?

I think our Fisheries Commissioners have had a good deal of correspondence over this matter.

MR. POLLOCK: We passed an Act giving our Commissioners power to fix these closed seasons, and they are now in communication with the Victorian and South Australian Governments.

MR. JENKINS: I think the Commissioners of the three States should decide between themselves when the closed seasons shall be. That is all that is wanted.

SIR JOHN SEE: I think there should be some agreement.

Upon the motion of MR. JENKINS, the following resolution was unanimously agreed to:—

“That the Fisheries Commissioners for the three States—New South Wales, Victoria, and South Australia—communicate with each other, and arrange for uniformity as far as possible as regards closed seasons.”

### Resolutions of Premiers' Conference, 1902.—Comments by Premiers of Tasmania and Queensland.

*(No discussion took place upon this subject.)*

### State and Federal Loans—(Continuation of discussion).

MR. IRVINE: In connection with the question of State and Federal loans, I have amended my memorandum slightly, and would like to know if the Conference agrees on this matter. It would strengthen our representations to the Federal Government if Sir John See could see his way to agree to my proposition. It is not in any way intended as antagonistic to the Federal Government. If the Premiers were not unanimous on this question I would be almost inclined to postpone the subject until some future occasion.

SIR JOHN SEE: We have not met here for the purpose of advocating the interests of any one State, and I must say that I deprecate anything of the sort. I recognise the States have their grievances; I admit that. But these Conferences are not for the purpose of advertising any particular State. I want, if we can, to offer some reasonable suggestion to the Federal Government for their guidance in the matter of dealing with State interests.

MR. IRVINE: As far as Victoria is concerned, we have not had any grievances worth speaking of with the Federal Government; and my object throughout has been to smooth away difficulties—to make minor concessions, and avoid friction  
wherever

wherever possible. I would like to see my proposal worded in such a way that it would not create any feeling whatever. The members of the Convention contemplated in the Constitution that this matter would be raised.

MR. JENKINS: Both Mr. Gordon and Mr. James were members of the Convention. There is nothing in this memorandum, as at present worded, to which the Federal Government could take exception. It ought to be educational to them and the public.

SIR JOHN SEE: I think it is premature.

MR. GORDON: I do not think you could start too early. The operations of the Federal Parliament are very slow. The House lasts for three years, and it is a very big question.

SIR JOHN SEE: You will have two elections in the meantime.

MR. GORDON: I hardly think we can say two elections.

MR. IRVINE: This is, really, in its consequences, the most important thing since federation. It is the most important constitutional safeguard. We do not want to have to face the position with our backs towards the wall, and have to impose direct taxation; that is, certainly, the feeling in Victoria.

MR. JENKINS: At the first blush I was rather opposed to it, because I thought the natural corollary would be that the Federal Government would desire to take over our railways and other assets as a corresponding balance for the loans they would have to provide for; but when I came to consider that the Customs revenue had been handed over to them, and that they hold the capitalised value of the biggest asset of the States, the matter appeared before me in a different light altogether.

SIR JOHN SEE: That is going to be a diminishing quantity, as far as we are concerned in New South Wales.

MR. JENKINS: Your increasing population will equal your manufacturing.

SIR JOHN SEE: I do not think so.

SIR ARTHUR RUTLEDGE: I think if this memorandum is adopted it will give great value to this Conference in the public estimation.

MR. GORDON: It is constitutional.

MR. IRVINE: It is not only constitutional, but it is contemplated in the Constitution of the Commonwealth.

SIR JOHN SEE: Is it not possible that we shall make ourselves appear ridiculous by anticipating what will happen seven and a half years hence.

MR. NICHOLLS: It was anticipated in the Constitution.

SIR JOHN SEE: Yes, after the ten years; and that was done for the purpose of adjusting matters in the meantime—afterwards to let the Constitution take its course.

MR. IRVINE: It was to allow the Commonwealth to take over our debts and pay the interest instead of us paying the interest. Section 105 anticipates that the debts will be taken over.

SIR JOHN SEE: Was not that section inserted for the reason that nearly all the States were largely living on Customs revenue, and, therefore, to insure to those States the revenue they had been in receipt of, the Commonwealth Act did not wish to embarrass them by coming back to the conditions which obtained in New South Wales. In other words, if the same tariff obtained in the other States as the result of federation, then they would be all bankrupt.

MR. IRVINE: I think that was one of the reasons which operated towards the adoption of the Braddon clause.

MR. JAMES: I express the hope that Sir John See will come in with us in this recommendation. I think that the matter is so important that it cannot be premature. It is our duty to place on record what our views are in connection with these matters, and to simply ask the Federal Government to consider them.

Murray

**Murray River Waters and Report of Inter-State Royal Commission—**  
*(Continuation of discussion).*

SIR JOHN SEE: I have a delicacy in standing in the way of a decision arrived at by the rest of the Premiers. I would like a little more time to think over this matter. I do not want to come to a conclusion to-day; but my feeling is that for this Conference to be effective—and I will do my best to make it effective—I will have to sacrifice a little of my own views and be prepared to give way to a reasonable extent. I do not propose to take up the firm stand that South Australia has done in connection with the Murray River trouble. No one man or State has a right to expect all they want, because if they get all they want somebody has to go short. I have not had any conversation with Mr. Irvine on the Murray River question outside of this Conference; but I will tell you, gentlemen, perfectly plainly, that it will come to the point of New South Wales and Victoria having to put into effect the proposition that was submitted to the Conference, but with which the South Australian representatives could not see their way to agree.

MR. IRVINE: I think it will, undoubtedly, cause a feeling of very considerable public disappointment in the three States concerned, and probably outside of them also, if the Conference fails absolutely to arrive at any conclusion on this subject.

MR. GORDON: It would be quite competent for the three States interested to confer later on, if, on reflection, we thought we could adopt your suggestion, or any modification of it, and to make an arrangement between ourselves.

SIR JOHN SEE: It seems to me to be perfectly clear, as far as Mr. Irvine and myself are concerned, that we should come to an agreement.

MR. IRVINE: Mr. Jenkins says any agreement must necessarily be subject to our legal right; but if we could come to some agreement which would not really deprive South Australia of any of her legal rights and would not unduly hamper us—create a sort of an arrangement putting off the actual rights until such time as it would be necessary to determine them,—that would be a satisfaction to public opinion.

SIR JOHN SEE: To arrive at any reasonable settlement in connection with any matter whatever, there must be concessions made by all parties concerned. If the result arrived at proved beyond all doubt a serious hindrance to South Australia, surely we would have sufficient sense to remedy what damage was done. If each one of us is going to contend that he must have all he wants, and will not be satisfied with anything less, then the Conference cannot result in much good.

MR. GORDON: What we ask for is not all that we consider we are entitled to.

SIR JOHN SEE: We want to work in harmony in regard to great irrigation works; and anything that may arise from this Conference will be largely in that direction.

MR. JENKINS: We do not object to all the conservation works you choose, as long as they do not interfere with the navigability of the river.

SIR JOHN SEE: Look at the position you place us in! You make navigability paramount. If we agreed to do that, we would be blamed for granting to South Australia all they asked for.

MR. GORDON: We dare not go back and say we got less than we asked for, because we consider that what we ask for is far short of what we are legally entitled to.

MR. JENKINS: The resolutions passed at Corowa really sustained the rights of navigation.

MR. IRVINE: Supposing I were to go back to Victoria and say that I had consented to a proposition which said that the rights of navigation were paramount to irrigation, what would be my position? I should think that we should both go back and be able to say that whilst we had not been able to agree upon the legal rights, which must be held over until some tribunal could settle them, we had agreed upon an intermedium arrangement whereby your rights may be maintained without unduly hampering New South Wales or Victoria in the prosecution of the irrigation system.

SIR

SIR JOHN SEE: Is there not more in this Conference than that? It is all very well to talk about appealing to the Courts to decide what we ought to be able to decide. I mean to say, we constitute a tribunal above the law, so to speak, at the present time; and is it not a reasonable thing to suppose that we men, representing the great interests we do, should be able to arrive at some satisfactory settlement rather than appealing to the Courts who know nothing about the conditions which obtain at the present time? If we submitted these matters to a Court of law, the decisions technically may be right, but practically they may be wrong. We want to arrive at a practical solution of what is a very difficult question. If we determine that all these matters should be relegated to the decision of the law Courts, then there is no object in holding a conference. I do think that the public expect something more than that from this Conference.

MR. JENKINS: The only thing that we insisted upon, or urged, was the necessity of a general agreement for partial locking of the river as far as the Darling.

SIR JOHN SEE: Could we not reduce the cost of the locking system? Could we not have four instead of eight?

MR. JENKINS: From what Mr. Davis said, he thought it would probably cost less than £760,000. The Commission says it would be necessary to have eight locks from Wentworth down to about Morgan.

SIR JOHN SEE: I look upon this matter, not as a technical or legal matter, but as one of commerce; and I would like some settlement arrived at if it is at all possible.

MR. IRVINE: I should like to join in some scheme for the locking of the Murray. South Australia say they have certain interests, and we say we have certain interests; they want us to join in the payment of the money necessary for their interests, but they will not join in the expense necessary for our interests.

SIR JOHN SEE: I say frankly that unless we can come to some rational agreement or compromise, it is the bounden duty of Mr. Irvine and myself to consider what course we shall take in regard to recommendations to our Parliaments. What I beg of you to consider is this: I do think, if this Conference is to have any good effect at all, we should arrive at something substantial. We cannot all get our own way; that is impossible. I will have the engineers present after lunch, and we will see if something cannot be arranged.

SIXTH DAY, TUESDAY, 21st APRIL, 1903. 2:30 p.m. to 4:30 p.m.

Murray River Waters and Report of Inter-State Royal Commission—(*Continuation of discussion*).

SIR JOHN SEE: We shall be glad to hear you, Mr. Irvine.

MR. IRVINE: I should be very glad indeed to be able to make any suggestion which would be accepted, and help us to arrive at some solution of this problem. There are two ways, either of which might be taken as a compromise: Whenever the volumes of water available are insufficient to provide the 70,000 cubic feet per minute—that is, during the five months,—if the water was more than enough to give us the 70,000, then resolution (d) on page 53 of the Report of the Royal Commission might apply:—

Whenever the volumes of water available are insufficient to provide the foregoing—440,000 or 370,000, and 170,000 or 70,000 cubic feet per minute, respectively,—a proportionate reduction shall be made in each, so as to bring their sum within the total available. All of these concessions will be subject to the provision of storage, as shall be hereafter decided.

The total amount they may divert is 370,000 cubic feet per minute. Where does the 70,000 come in? It will be 370,000 plus 70,000 = 440,000 cubic feet per minute. That would be binding us to allow South Australia her proper share of the surplus water.

MR. GORDON: That is, to divert 440,000 cubic feet per minute and share the surplus.

MR. IRVINE: Does that mean the total flow? It represents the total flow during the five months when it is normal, and represents the divertible quantity during the seven months. Dealing with the five months only, the total flow in a typical low year would be 440,000 cubic feet per minute flowing into South Australia, if there were no diversions whatever.

*Mr. Davis*: Taking into consideration the locking between this and South Australia.

MR. IRVINE: That is the total flow of the river.

*Mr. Davis*: We based our calculations on the gauging at Morgan.

MR. IRVINE: You must allow for evaporation in the meantime. Take that out and divide the balance. Personally I should be prepared to go further and adhere to the offer, and make it 100,000 cubic feet per minute. I assume, making it 100,000 cubic feet per minute would give you a stipulated right to your share in the same proportion—practically a fourth of the whole of the surplus water.

MR. GORDON: That is only the amount you are allowed to divert.

MR. IRVINE: No; that is another matter altogether. First of all, dealing with the seven months. It happens that the total flow amounts to the same figure in the second period—that is, divided up in 440,000 to you and 370,000 to us. Look at Resolution 1, subclause (a):—

The navigation of the lower part of the main river, and of certain portions of the larger tributaries, will eventually be provided for by the construction of locks and weirs. Until the initiation of such a system of works, the upper riparian States shall restrict their total diversions to about 440,000 cubic feet per minute for seven months, from July to January inclusive, and during the months from February to June inclusive shall restrict their total diversions to about 370,000 cubic feet per minute.

MR. GORDON: How far would you leave the 440,000 and 370,000? That would be 30,000 in each case.

MR. IRVINE: No; not in each case; not in the case of New South Wales. It is 30,000 less to us and more to you. As pointed out, the amount we got before was more than the amount of the proportion flowing to the New South Wales border.

MR. GORDON: Does that include what you are taking from the Goulburn?

*Mr. Davis*: Yes.

MR. GORDON: What is that? Twenty thousand. From the Goulburn, 100,000 cubic feet per minute.

MR.

MR. IRVINE: How will that work out in the five months?

*Mr. Murray*: You will not get that in the five months.

MR. JENKINS: Because you said you would not have it.

*Mr. Murray*: I said the natural flow; and we have dammed it back by weirs.

MR. IRVINE: I can understand that proposition. The only difference between that is, that whereas we guarantee you a minimum flow of 100,000, we should be entitled to have all the rest; whereas now we guarantee you a share of the surplus over and above the 100,000—a share of the surplus equal to the 440,000; 100,000 stands in.

MR. GORDON: Have you put it in writing?

MR. IRVINE: No.

MR. GORDON: What do you say, Sir John?

SIR JOHN SEE: I am listening. I am waiting for you to come to something definite.

MR. IRVINE: Well, another proposition: That is only for five months. Increase the minimum to 150,000 cubic feet per minute, without hampering the existing works. I think that might be done. I have talked it over with Mr. Murray, but he is a little uncertain about it.

MR. JENKINS: What distribution would that work out at, supposing we were guaranteed 150,000?

*Mr. Davis*: We should have to reduce our minimum.

MR. GORDON: Assuming that the total is 440,000, and we have to take 150,000, that leaves 290,000; and the proportion for New South Wales is two-thirds (in round figures), that is, 193,000—say, 190,000—and 100,000 for Victoria. We should get more than Victoria.

*Mr. Davis*: That is so; provided it comes down.

MR. GORDON: That would leave the river navigable for seven months in the year; and with the share of 150,000 as a minimum it would perhaps be navigable for longer than this.

MR. IRVINE: This will not give you any longer navigation, for the navigable flow is to be considered.

*Mr. Davis*: No longer navigation, but the diversions stipulated by the Commission could not be made.

MR. IRVINE: What diversions have you in your mind?

*Mr. Davis*: I have the two sets—in the recommendations of the Commissioners.

MR. IRVINE: I agree that this can only be a temporary agreement.

MR. JENKINS: Our people are induced to do certain things under a temporary agreement, and, at the expiration of five years, they find it is practically of no account. Is it not better for us to know the legal rights before we undertake anything that may be a loss to us?

*Mr. Davis*: The bulk of this water will be required to replenish the lakes, and a small percentage of it used for irrigation purposes—that is, according to the evidence.

MR. JENKINS: They will be sure to be increasing their irrigation works; but even granting the keeping of the steamers running, and the replenishing of the lakes, they will be in the same position as now.

MR. IRVINE: Do not you consider that we are dealing with the lowest flow of the stream, and the driest period of the year. Now, by this we are guaranteeing to you for five years certain a definite flow for the drier months.

MR. GORDON: 440,000 cubic feet per minute is the amount you suggest you are entitled to divert during the five months; so the total flow must be more.

Mr.

MR. IRVINE: 440,000 cubic feet was the total flow during five months; you could take 370,000 cubic feet plus 70,000 cubic feet. It could be regulated to that in a typical year.

MR. JAMES: You say the total volume of the river in a typical low year is 440,000 cubic feet per minute.

Mr. Murray: It is taken at some points up the river.

Mr. Davis: It is possible to regulate it so that 370,000 cubic feet per minute can be obtained during the five months.

MR. JENKINS: Could that be done with the locks and regulating?

Mr. Davis: It could not be done without locks, and regulating the flow by storage.

MR. JENKINS: You would have to let it out of the reservoirs to make it regular.

MR. IRVINE: If you want to get it regular it must be done by storage.

MR. GORDON: These would be State Government works.

MR. IRVINE: Yes.

MR. GORDON: To examine your last proposition: The total flow in a typical low year is 440,000 cubic feet per minute. Suggested that the minimums be fixed—New South Wales, 190,000 cubic feet per minute; South Australia, 130,000 cubic feet per minute; and Victoria, 120,000 cubic feet per minute; that is 440,000 cubic feet; and if the volume exceeds 440,000 cubic feet per minute, you agree to an increased *pro rata* distribution.

MR. IRVINE: No; not in the alternative.

MR. GORDON: What would you give us, then?

MR. IRVINE: We secure to you the larger proportion of water which falls in Victoria. We run the risk of a low year, and you have the advantage of a big year. If you take the lower minimum of 100,000, then we give you that right. We shall have to spend more money on storage; that is the trouble.

MR. GORDON: If you make your storage sufficiently capacious, we should never have more than 150,000.

MR. IRVINE: It takes you all your time to tie your navigation up to trees to prevent their being swept out to the ocean.

MR. GORDON: We want to make it clear to everybody. If New South Wales insisted upon claiming a division of the two-thirds—

MR. IRVINE: Leave us with 100,000—about 97,000.

MR. GORDON: The suggestion is, that we should be guaranteed 337,000 cubic feet per minute for seven months of the year. I am favourably impressed with the last proposition, but I do not know what it may amount to. We should want expert advice about it. The total flow in a typical low year being 440,000 cubic feet per minute, suggested that the following minimum be fixed. The average flow during the five dry months—the available quantity from February to June in a typical low year being 440,000—New South Wales, 190,000; Victoria, 100,000; and South Australia, 150,000 cubic feet per minute; during the seven months a navigable depth should be maintained, and 337,000 cubic feet per minute should flow into South Australia. We should have to make that part of the agreement, first as to the seven months from July to January, inclusive.

MR. IRVINE (*reading Resolution 11a*):—

During the seven months, July to January, inclusive, the diversions on the part of New South Wales and Victoria shall be respectively 292,000 cubic feet per minute, and 146,000 cubic feet per minute, unless the volume of the river at Morgan exceeds 337,000 cubic feet per minute, in which case the diversions may be proportionately greater.

It is not intended to guarantee to South Australia 370,000 cubic feet per minute in every year; not unless it is available. In a typical low year it would give during these seven months a flow of 337,000 cubic feet per minute. You must not assume that it would be so every year, for last year there was no flow at all.

MR.

MR. JENKINS: But with your conservation works you would make the diversions in the winter time.

MR. GORDON: Resolution 11, subsection (a), considered from a legal point of view, gives us nothing. Suppose you blocked the water before it came to Morgan; you would give us nothing.

MR. IRVINE: It would mean from the available volumes. It is not clearly worded. Resolution 11 (b)—

During the five months, February to June, inclusive, the diversions on the part of New South Wales and Victoria shall be, respectively, 240,000 cubic feet per minute, and 170,000 cubic feet per minute, unless the volume of the Murray at the South Australian border exceeds 70,000 cubic feet per minute, in which case the diversion shall be proportionately greater.

MR. GORDON: Does not that express it—170,000 cubic feet per minute?

MR. IRVINE: No, because you might not get it; you have to take your chances as to its being a dry year. You say now, whilst a fair distribution of the water will enable you to give that flow for seven months, you will have to give New South Wales 290,000 cubic feet per minute and Victoria 146,000 cubic feet per minute. Here you take a typical low year to start with, and you give us seven months' navigation, and we are going to take the balance to ourselves. That is all right if you do not go any lower than that.

MR. GORDON: Nothing will shift South Australia from this point—that we must have navigation for seven months in the year.

MR. IRVINE: That is rendering navigation absolutely permanent for seven months in the year.

MR. GORDON: Dealing with the five months, February to June, in a typical low year, it is suggested that the following minimums be suggested: New South Wales, 190,000 cubic feet per minute—two-thirds of 440,000, roughly; Victoria, 100,000; and South Australia, 150,000. Might I suggest that South Australia receive one-sixth of any surplus over 440,000 cubic feet per minute, and New South Wales and Victoria share the balance. As to the surplus, supposing the flow to be 550,000 cubic feet per minute, give us one-sixth of the surplus flow. There would be no objection to your storing, and we might have one-sixth of that surplus.

MR. IRVINE: It was increased to 150,000; we want to make a fair deal.

MR. GORDON: We should have one-sixth of that surplus. We are quite willing that any dispute should be referred to arbitration.

MR. IRVINE: I am afraid to make any offer of this kind. They would say: What consideration did you get?

MR. GORDON: You secure your irrigation works.

Mr. Murray: It is whether we should consider it as being fair. I could hardly say. I think it is too small to quarrel about—one-sixth of the surplus.

MR. IRVINE: I am not going to make storage works to keep you up to the figure.

MR. JENKINS: We should not expect you to let out enough to make up for the whole five months. There will have to be some agreement, and somebody to regulate it.

MR. IRVINE: Leave it to the Commissioners—all fair-minded men; and, so long as the basis of the agreement is as suggested, there can be little difficulty.

SIR JOHN SEE: Supposing we do leave it to the Commissioners, is it not as likely to be disagreed with?

MR. IRVINE: Not if definite lines are laid down for their guidance.

MR. GORDON: I have now a draft written, reading:—

“It is agreed between the Premiers of the States of New South Wales, Victoria, and South Australia that the following agreement shall be made for a period of five years from the 1st of May, 1903, regarding the distribution of the waters of the River Murray and its tributaries. The agreement to be subject to ratification by the Parliament of each of the contracting States, and to be void should the Parliament of any of them refuse to ratify it. “As



“As to the period of seven months from July to January, both inclusive, the following to be the agreement:—

“During the said seven months the diversions on the part of New South Wales and Victoria shall be respectively limited to 292,000 cubic feet per minute and 146,000 cubic feet per minute, unless the volume of the river at Morgan exceeds 337,000 cubic feet per minute, in which case the diversions may be proportionately greater.’

“As to the period of five months from February to June, a typical low year (1896) is taken as the basis of calculation. In such a year the total available flow is 440,000 cubic feet per minute. It is agreed that the following division of the water may be made:—

“New South Wales	...	190,000	cubic feet per minute.
Victoria	... ..	100,000	” ”
South Australia	... ..	150,000	” ”
		440,000	” ”
Total	... ..	440,000	” ”

Should the volume of water during this period of five months exceed 440,000 cubic feet per minute, South Australia shall be entitled to one-sixth of such surplus, and the balance thereof shall be divided between New South Wales and Victoria as follows:—New South Wales two-thirds, Victoria one-third.’

“The scheme above set forth to be controlled by a body consisting of an engineer, nominated by each of the States, whose salary shall be paid by the State by whom he is nominated; but the contracting States shall share, in the proportions in which the water is allotted during the five months’ period, in the salaries of any other officers necessary for the agreement, and in all other expenses connected with the agreement.

“Any dispute between the contracting States to be settled by arbitration.

“Nothing in this agreement shall be taken to conclude, limit, or prejudice the legal or constitutional rights of any of the States to the waters of the River Murray, or in any way to affect any allocation of those waters after expiration of the agreement, or to operate as a waiver of any rights or remedies which may have hitherto accrued.”

MR. IRVINE: I should like to read that over.

SIR JOHN SEE: You are favourable to that, Mr. Jenkins?

MR. JENKINS: It is coming so close that we can say we practically agree to it.

SIR JOHN SEE: Well, we can have copies of that and can consider it before we meet to-morrow.

SEVENTH DAY, WEDNESDAY, 22nd APRIL, 1903. 12 noon to 1.45 p.m.

**Murray River Waters and Report of Royal Inter-State Commission—**  
(Continuation of discussion).

SIR JOHN SEE: I have, as you know, deputed Mr. Davis, the Under Secretary for Public Works, to act for me in all matters of detail in connection with the Murray River question.

MR. IRVINE: We have framed a very lengthy document on this matter, which I think might be read.

(Draft agreement read accordingly by Mr. Gordon.)

MR. IRVINE: I think we are very much indebted to Mr. Davis and Mr. Murray for the excellent language in which they have couched this agreement.

SIR JOHN SEE: I have already paid my respects to them as members of the Murray River Royal Commission for the admirable work they have done. You all have a copy of the agreement as drawn up in connection with this matter. Are you agreeable to accept it?

[Further discussion postponed, pending printing of agreement.]

**State and Federal Loans—(Continuation of discussion).**

MR. IRVINE: I now wish to bring forward my memorandum in connection with State and Federal loans. I have amended it in certain respects, and a copy is before each member of the Conference. I hope that you, Sir John See, will see your way to agree to the memorandum. I will read it:—

“This Conference submits to the consideration of the Federal Government the following resolution:—

“ ‘Having regard to the fact that the debts of the various States were incurred upon the security of the revenues of the States, and as the greater part of the revenues has been transferred to the Commonwealth in the Customs and excise duties, and having regard to the fact that the permanent financial stability of the States must depend upon either (a) the continuance of the application of the principal part of those revenues to payment of the interest of the debts, or (b) the imposition of very largely increased direct taxation in the various States, it is resolved that, in order to secure to the several States Governments the guarantee contemplated by the Constitution, the provisions of the Constitution with respect to the taking over by the Commonwealth of the debts of the States, or a proportion thereof, should be brought into operation as soon as possible.’

“In submitting this resolution, this Conference desires to lay before the Government and Parliament of the Commonwealth the following reasons why the course indicated by the resolution should, in the interests of public economy, as well as of the financial stability of the States, be adopted:—

“The experience of all constitutionally governed countries proves that an overflowing Treasury means a swelling expenditure. The only effective check upon excessive expenditure of public money is the necessity resting upon the spending body to provide ways and means by the imposition of additional charges upon the taxpayer.

“Where this necessity does not exist, or does not exist so far as the spending body is concerned, the manifold political forces tending to increase public expenditure are left to work unchecked. To be effective, the check must be direct and immediate, not indirect and merely consequential. It is impossible to conceive any arrangement of constitutional powers so calculated to deprive the general taxpayer of every necessary safeguard of public economy as that in which the federal body is endowed with a revenue vastly in excess of all its necessary requirements, while its expenditure is limited only by a kind of moral duty towards States which are burthened with heavy fixed financial obligations. In such a case the check is not direct and immediate, but indirect and remote. It has been freely stated that the existence of the Braddon clause (which compels the Federal Government to return

to

to the States during the next few years three-fourths of the Customs and excise revenue) alone prevents the Federal Government from incurring considerably increased expenditure.

“Now, whilst it is not improbable that Australia may, as time goes on, recognise increasing national obligations in many matters, it can hardly be disputed that, to give power to a Federal Treasurer to bring down a scheme involving a large increase of expenditure, without at the same time taking the responsibility of providing ways and means otherwise than by intrenching upon the surplus revenue upon which the States must depend, would be not only a dangerous division of responsibility, but a direct incentive to unnecessary expenditure. Even with the protection of the Braddon clause, several of the States have already been obliged, as the result of federation, to have recourse to heavy direct taxation. If that protection lapses, the immediate result will probably be a steady depletion of the surplus customs revenue payable to the States, bringing with it an increasing necessity to impose further and more drastic direct taxation.

“It would be a mistake to suppose that, because the same electors are represented by the Federal and State Parliaments, this result would not accrue. The public opinion of the electors usually acts as an effectual corrective on expenditure, because the burden of the expense is brought directly home to them by the imposition of fresh taxation; but this check would not, in the case of federal expenditure, come into operation until long after the expenditure had been sanctioned by Parliament.

“The danger attendant upon such a position was present to the minds of the framers of the Constitution, and with the view of obviating this they took care to embody in it provisions whereby the surplus revenues could be hypothecated to meet the great fixed obligations of the various States. The provisions referred to are as follow:—

“Section 87.—‘During a period of ten years after the establishment of the Commonwealth, and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of Customs and of Excise, not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure. The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.’

“Section 105.—‘The Parliament may take over from the States their public debts as existing at the establishment of the Commonwealth, or a proportion thereof, according to the respective numbers of their people, as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency, or the whole amount, shall be paid by the several States.’

“The Premiers in Conference feel that they would be neglecting their duty if they failed at this stage to impress upon the Parliament and the people of the Commonwealth the urgent necessity of bringing into effect these provisions, and to emphasise the far-reaching importance of the issues involved.

SIR JOHN SEE: I will agree to it. I merely want to arrive at what is best for the whole of the States, and yet maintain the integrity of the Commonwealth Constitution—to set forth as concisely as possible exactly what we expect from the Federal Government. Subject to the amendments, I assume this memorandum meets with the approval of the Conference?

*(The terms of the Resolution and Memorandum were then unanimously agreed to.)*

*Mr. Gordon retired from the Conference at 1:15 p.m.*

### Inter-State use of London Loan Account Credits to avoid Cost of Exchange.

MR. JAMES : I would like to bring forward a small matter in regard to finance. It is the case where one State may have a balance in London in excess of its immediate requirements : could it not be arranged that some other State might use the money, if required ? Some mutual arrangement of this sort might be an advantage. The following paper on the subject may interest the Conference :—

1. The various States are raising loan moneys in London from time to time, and pending the expenditure of those moneys, the London account of the borrowing State is temporarily in excess of immediate requirements.

The present practice is for the State concerned to avoid, as far as practicable, the needless loss of exchange, and with that object revenue is used to defray local loan expenditure, and loan moneys to a similar amount are used to pay revenue demands in London. For instance, loan moneys in London are used to pay interest on loans, or to pay for such portion of the ordinary annual services as may be supplied in Europe ; as against this, the State uses a corresponding amount of revenue to pay the local construction cost of loan works. By these means a double exchange is saved.

This is the West Australian practice, and it is believed to prevail in all the States.

2. In view of the fact that the States raise loan moneys at different dates, it is suggested that each Treasurer should from time to time advise the other State Treasurers as to the amount of cash available to his credit in London, so that if one State has an amount available in excess of its immediate requirements in London, but at the same time needs money locally, another State whose position is the exact converse (namely, which needs money in London but has more than it needs locally) may be afforded the opportunity of paying money to the State in need of local money, and of receiving an equal amount in London. For instance, the Loan Account of Western Australia may be in credit in London, and in credit to an amount in excess of immediate requirements. Western Australia, however, may require loan money locally. Sending out loan moneys from London to the amount required would involve payment of exchange. In such a condition of affairs another State may have a need for money in London, and it is suggested that the latter State, instead of remitting to London should remit to Western Australia, and in return the Western Australian Government should pay in London to the latter State a corresponding amount. Such a transaction would save the difference between the London rate of exchange and the inter-State rate.

If a system were adopted of periodical (say monthly) advices between State and State, the resultant saving would be appreciable without any risk of loss.

The subject is submitted for consideration of the Conference as being essentially one upon which mutual State action should be taken on the lines indicated.

3. The following resolution is suggested as embodying the above proposal :—

“That on the first of each month each Treasurer should advise each other Treasurer as to—

“(1) The estimated amount of loan moneys (if any) which he has available in London in excess of his estimated requirements for the current month ;

“(2) The estimated amount of money (if any) which he is likely to require in London for the current month.”

SIR JOHN SEE : We always do that.

MR. JAMES : I was not aware of that, but I would like a resolution passed by the Conference.

The following resolution, moved by MR. JAMES, was then unanimously agreed to :—

“That this Conference agrees that the subject matter of the memorandum of the Premier of Western Australia is one upon which mutual action is desirable.”

### Work performed by Officers of the Postal Department for State Savings Banks— (Continuation of discussion).

MR. NICHOLLS : There is one matter not yet dealt with, which was postponed in order that the more important ones might be dealt with first. It was the question of the charge for work performed by officers of the Postal Department for State Savings Banks. I have a motion which I would like to move in connection with this matter.

SIR JOHN SEE : I would like to postpone that until later on in the day.

Concluding

### Concluding Remarks.

MR. IRVINE: Before I go, I wish to say I think it would be the desire of all the Premiers of the other States present that there should be placed on record a recognition of the very able and courteous way in which you have conducted the affairs of the Conference. Speaking for myself, I cannot help remarking that, as a Conference, we have been dealing with subjects of great importance, and possibly greater importance than any which have presented themselves to the Premiers at any former Conference; and I believe, had it not been for your tact, patience, and courtesy, we should have found much greater difficulty in arriving at the conclusions we have reached, if at all. I, therefore, desire to move:—

“That the thanks of this Conference be accorded to you for the able and courteous way in which you have fulfilled the duties of Chairman of the Conference.”

MR. JENKINS: I have much pleasure in seconding the motion moved by the Premier of Victoria; and I wish to take this opportunity of stating that I have had the pleasure on previous occasions of working under your Presidency in connection with Conferences. I recognise that this Conference has had more difficult tasks to perform than any of those at which we have previously met, and I would also like to emphasise—in regard to the question over which we have spent so much time, the settlement of the River Murray dispute—that it is owing to your kind suggestions and general assistance to bring the three States into harmony, probably, that we have been able to arrive at the agreement that we have come to; and as the representative of South Australia, I am exceedingly pleased to pay my tribute to you in that respect. I would also like to take the opportunity of expressing, through you, to the people of New South Wales our hearty appreciation of your courtesy and kindness and for all the attention that you have shown us during our stay in New South Wales.

MR. JAMES: I am also pleased of the opportunity to thank you for your kindness to me and to endorse the expressions passed by the other Premiers. I am glad to have taken part in the Conference, which is the first I have yet attended, and to have met you as the Premier of the mother State.

SIR ARTHUR RUTLEDGE: I have very much pleasure in supporting the sentiments that have been expressed by the Premiers. I regret the Premier of Queensland is not present; but I know, ever since he has occupied office, he has entertained a very great personal regard for the Premier of New South Wales. Both personally and as a public man he regards him as in all respects to be admired. In my humble way I share the sentiments which I know he feels towards Sir John See. We have always been delighted at the manner in which Sir John conducts the proceedings at these Conferences, and I venture to say that but for the tact and ability which he has exercised in the conduct of the proceedings of the Conference, we should not have been able to show as successful a result to the people in whose names we appear as we shall be able to present when we go back. I feel sure we are all grateful to Sir John See for the courtesy and kindness he has shown us, and the pleasure he has afforded us during our stay here; and I hope the day is far distant when we shall lose the advantage of being presided over at gatherings of this description by a gentleman of such distinction and high qualifications as Sir John See.

MR. NICHOLLS: May I, on behalf of my absent Premier, add the very hearty thanks of Tasmania for the exceeding hospitality which you have showered upon us, and more particularly from Tasmania's point of view, from the fact that, as President of this Conference, you have displayed such an admirable federal spirit in dealing with matters of great importance to our State; and I am sure the people of Tasmania, or those of them who may entertain some doubt as to the gain from federation, would be gratified and delighted, and greatly reassured, to know that the Premier of the strongest State has shown such a truly federal spirit in dealing with these matters.

SIR JOHN SEE: I take it as a very great compliment, indeed, to hear the very kind expressions that have been made towards myself as President of this Conference. As regards the hospitality of which you speak, I am sure we have done no more than would have been done by any other State had the Conference taken place there. What has been done has been in the spirit of a thorough  
recognition

recognition of our friendliness towards our sister States, and with a view to making your visit here as enjoyable as possible. I should have liked to have done a great deal more than we have done if time had permitted; but I felt that our duty as members of the Conference was paramount to pleasure, and I do pay the Conference the compliment of saying that they have devoted in the most assiduous manner their attention to the many matters brought under notice. A great many invitations have had to be refused because we thought that our duty as members of the Conference was paramount to pleasure seeking. At the same time we have been able to attend some of the functions, and that is a great satisfaction to me. The guiding principle that I lay down, and always have laid down when called upon to discharge the duties of Chairman or President, is to give every man an opportunity of expressing his views. I respect every man's opinion, and it is only the way in which this Conference has been carried out that has enabled us to arrive at the conclusions we have arrived at. Had we gone in for set speeches, and conducted the Conference in the form that Parliament conducts its business, I feel persuaded we should not have been able to arrive at the conclusions we have. We have been friendly in our intercourse, and generous in our hearing of the arguments put forward. You have made reference to my patience, but it was my duty and pleasure to listen to all the arguments used by gentlemen who represent such vast interests as the State Premiers do, and my one object has been to bring the States into closer touch and communion, that we might come together and discuss our affairs so that we may better understand each other; and those who have not before met may realise fully the significance of maintaining State rights, and yet at the same time not interfere with the Constitution of the Commonwealth. And I think we have made it abundantly plain that we have not met here for that purpose, and I am perfectly satisfied that our deliberations will result in a better impression and understanding between the Commonwealth and the States than obtains at the present time. We all realise that in the making of new conditions friction and irritation arise; but it is not my intention, and I know it is not your intention, to accentuate this irritation or difficulty. We have to meet them as men living under a Constitution freer than any other in the world—living in a country where we have freedom of speech, and can even approach the King by petition. And these have been my principles in regard to this Conference. I am more than satisfied with the result of our deliberations. Mr. Jenkins fought hard, and rightly so too, for the State which he represents; but if we had gone away to our respective States and had not arrived at some conclusions in regard to the important questions before us, it would have been fatal to the principle of holding conferences in the future. When we realise the great difficulties surrounding the Murray River water question, it could only be by a spirit of compromise that Mr. Irvine could accept the situation of South Australia, and myself the conditions of both Victoria and South Australia; and, without giving away the vital principles which we have been fighting for, I think we have arrived at a very happy conclusion. I have made acquaintances which I hope will last as long as we live; and in my private and public life, I have always cherished one principle, and that is fair play. Some of the States may not be so large in proportion as others; yet they have their rights, and those rights should be respected. It may not be my fortune to meet you again in conference: the exigencies of public life are always changing; but I can honestly say that since I have held the position I do, and ever since I have been in public life, I have always had the highest appreciation of public men. I am not one to belittle our public men and public institutions, and when we recognise the important work we have to perform—and we do it under the circumstances of our own knowledge rather than the knowledge of the man in the street—I think our public men deserve more credit than they are given. I will ask you again to accept my best thanks for the complimentary terms which you have used in regard to myself.

SEVENTH DAY, WEDNESDAY, 22nd APRIL, 1903. 5.30 p.m. to 6.5 p.m.

Murray River Waters and Report of Inter-State Royal Commission thereon—  
(Continuation of discussion).

SIR JOHN SEE: We have now the memorandum of agreement in regard to the Murray River in printed form, and I will ask Mr. Irvine to read it.

The agreement, as follows, was then read by MR. IRVINE, and subsequently signed by the Premiers of the respective States concerned:—

MURRAY RIVER WATERS.

“THIS AGREEMENT regarding the distribution of the waters of the River Murray and its tributaries to the use of the States of New South Wales, Victoria, and South Australia, has been entered into by the Premiers of the said States, and is for a period of five years from the first day of May, one thousand nine hundred and three. It is made subject to ratification by the Parliament of each of the contracting States, shall have no force until so ratified, and shall be void if its ratification be refused by any one of them.

“*Article 1.*—In normal years of low river discharge, the States of New South Wales and Victoria shall, during the seven months July to January inclusive, limit their respective diversions from the River Murray and its tributaries to two hundred and ninety-three thousand cubic feet per minute, on the part of New South Wales, and one hundred and forty-seven thousand cubic feet per minute, on the part of Victoria. When the level of water in the river at Morgan in South Australia, during the said period of seven months, exceeds four feet on the gauge there, the respective diversions on the part of the upper riparian States may be increased, in the ratio of two parts to New South Wales and one part to Victoria; but not so as to reduce the level on the gauge at Morgan below four feet. When the volume of water available, during the said period, is insufficient to provide two hundred and ninety-three thousand cubic feet per minute at the off-takes in New South Wales, and one hundred and forty-seven thousand cubic feet per minute at the off-takes in Victoria, and at the same time to maintain a depth of four feet on the gauge at Morgan in South Australia, a *pro rata* reduction shall be made in the diversions by each of the upper States and in the volume at Morgan to bring their sum within the total available.

“*Article 2.*—In normal years of low river discharge, the States of New South Wales and Victoria shall, during the five months February to June inclusive, limit their respective diversions from the River Murray and its tributaries to one hundred and ninety thousand cubic feet per minute, on the part of New South Wales, and one hundred thousand cubic feet per minute on the part of Victoria; subject, however, to the condition that the volume flowing in the river channel at the eastern boundary of South Australia shall not be reduced below one hundred and fifty thousand cubic feet per minute. When the volume of available water is greater during the said period of five months than would be required to provide one hundred and ninety thousand cubic feet per minute at the off-takes in New South Wales, and one hundred thousand cubic feet per minute at the off-takes in Victoria, and to leave a volume of one hundred and fifty thousand cubic feet per minute in the river at the eastern boundary of South Australia, the surplus may be appropriated by the three contracting States in the proportions of ten-eightieths to New South Wales, five-eightieths to Victoria, and three-eightieths to South Australia. Whenever the volume available during the said period is insufficient to provide one hundred and ninety thousand cubic feet per minute at the off-takes in New South Wales, and one hundred thousand cubic feet per minute at the off-takes in Victoria, and to leave a volume of one hundred and fifty thousand cubic feet per minute in the river at the eastern boundary of South Australia, a *pro rata* reduction shall be made in the diversions by the upper riparian States, so as to leave one hundred and fifty thousand cubic feet per minute in the river at the eastern boundary of South Australia.

“*Article*

"Article 3.—For the purpose of this Agreement, a normal year of low river discharge shall be taken to mean 'a typical low year,' as described on page 11 of the printed report of the 'Inter-State Royal Commission on the River Murray.' In such years the foregoing diversions by New South Wales and Victoria are to be computed as follows :—

*" New South Wales.*

Source.	Cubic feet per minute. For seven months, July to January inclusive.	Cubic feet per minute. For five months, February to June inclusive.
"From the Upper Murray Catchment, to below the junction of the Kiewa ...	60,000	60,000
"From the Murrumbidgee and Darling Catchments ... ..	233,000	130,000
	<hr/>	<hr/>
	293,000	190,000

*" Victoria.*

"From the catchment of the Murray and its tributaries, to below the junction of the Goulburn ... ..	147,000	100,000
	<hr/>	<hr/>
Total ... ..	440,000	290,000

"Article 4.—As, however, the Campaspe and Loddon Rivers, and the Broken River with its effluent, the Broken Creek, and the Avoca and Wimmera Rivers, in Victoria, and the Wakool, Lachlan, Bogan, Macquarie, Castlereagh, Namoi, and Gwydir Rivers, in New South Wales, make no effective contributions to the Murray River except during floods, diversions from these rivers by the respective States shall be permissible at all times; and water diverted from them shall not be taken as any part of the volume of four hundred and forty thousand cubic feet per minute or two hundred and ninety thousand cubic feet per minute mentioned in Article 3 of this Agreement, or of any modification of such volumes; nor shall any diversions from these rivers, at any time, be held to be in violation of any part of this Agreement.

"Article 5.—A proper and uniform system shall be initiated and carried on of making and recording continuous gaugings of the main stream of the Murray, and of all its important tributaries, within the States of New South Wales, Victoria, and South Australia, at such points as may be necessary to determine the volume of in-take from the several portions of the drainage area, the volume of flow at various points in the channels and of the losses therefrom, with their position and modes of occurrence.

"Article 6.—A proper system shall be initiated and carried on of making and recording continuous gaugings of all artificial diversions from the main stream of the river, and from all its important tributaries, within the States of New South Wales, Victoria, and South Australia.

"Article 7.—A Commission shall be appointed to administer and carry out this Agreement. It shall consist of three Commissioners each of whom shall be appointed by the Governor-in-Council of one of the three contracting States. It shall be the duty of the Commissioners to carry out and record the gaugings of the River and its tributaries, and the gaugings of all diversions therefrom. In case of any breach of this Agreement by any of the States, or by any body or person authorised by any of the States, it shall be the duty of the Commission to report such breach to the Government of the State within whose jurisdiction such breach shall occur. It shall also be the duty of the Commission to report any pollution of the waters of the River or its tributaries, or any obstruction of the channels thereof, to the Government of the State within whose jurisdiction such pollution or obstruction shall occur.

"Article 8.—No new point of off-take from the Murray River, or from any of its tributaries, for diversions into either of the States of New South Wales or Victoria, shall be established, save after written notice to the Commission; whether such



such diversion be on the part of a State, or of some body constituted by State authority. And the position, levels, and dimensions of all sluices, gates, valves, and other appliances for regulating and controlling such off-takes and the volumes of compensation water to be allowed to pass shall be subject to the approval of the Commission, and shall not be varied without the like approval. In fixing the position, levels, and dimensions of sluices, gates, valves, and such like appliances, and the volumes of compensation water to be allowed to pass, the Commissioners shall have regard to the reasonable requirements of persons dwelling on or near to the River banks, and of navigation, and of all interests dependent on the River or on river trade.

“*Article 9.*—The salary and expenses of each Commissioner shall be paid by the State by whose Governor he is appointed. But all other expenses of the Commission shall be borne by the three contracting States, in equal shares.

“*Article 10.*—Should any dispute arise between any two or more of the contracting States as to the true meaning and intent of any part of this Agreement, or as to any matter arising under this Agreement, such dispute shall be referred to the sole arbitration of the Chief Justice of the State of Queensland.

“*Article 11.*—Nothing in this Agreement shall be taken to conclude, limit, or prejudice the legal or constitutional rights of any of the States to the use of the waters of the River Murray, or in any way to affect any allocation of these waters after expiration of the Agreement, or to operate as a waiver of any rights or remedies which have heretofore accrued, but during the continuance of this Agreement no action shall be taken to enforce the same by any of the contracting States.

“Given under our respective hands and seals at Sydney, this twenty-second day of April, one thousand nine hundred and three,—

“JOHN SEE,  
*Premier and Chief Secretary, New South Wales.*

“W. H. IRVINE,  
*Premier and Attorney-General, Victoria.*

“J. G. JENKINS,  
*Premier, South Australia.*”

MR. JENKINS: I would like to express my best thanks to Mr. Davis and Mr. Murray for the very able and necessary assistance they have rendered us during the progress of the discussion on the Murray River question; and I must say that these gentlemen have acted in this matter with as much respect and consideration for the interests of South Australia as would one of our own experts.

*Mr. Davis:* I would like to say that we appreciate very much the remarks made by Mr. Jenkins.

SIR JOHN SEE: I can say this of Mr. Davis and Mr. Murray that, when it was determined to have this Conference, I gave Mr. Davis to understand that I wished him to exercise his own judgment and common sense in all matters concerning the important things brought under his notice. I never saw him to influence him or to suggest anything to him; but I felt the matter was so important, and I had so much confidence in him and Mr. Murray, that I left it entirely to their common sense to make a report, which they have done.

MR. IRVINE: I would like to acknowledge the services rendered by the Secretary, Mr. Harkness, and those who have assisted him; they have been a great assistance to the Conference.

[*This terminated the proceedings of the Conference.*]

## SOUTH AUSTRALIA.

## CORRESPONDENCE RE CREW OF THE SHIP "VONDEL."

*Ordered by the House of Assembly to be printed, October 1st, 1902.*

CORRESPONDENCE with the RIGHT HON. the SECRETARY of STATE and the COMMONWEALTH GOVERNMENT *re* COMPLAINT of CONSUL-GENERAL for the NETHERLANDS regarding ACTION of SOUTH AUSTRALIAN AUTHORITIES in connection with the CREW of the SHIP *VONDEL*, and as to the CHANNEL of COMMUNICATION between the IMPERIAL GOVERNMENT and the STATE GOVERNMENT respecting EXTERNAL AFFAIRS and POSITION of CONSULS.

No. 02/49/329.]

Commonwealth of Australia : Department of External Affairs, Melbourne, May 29th, 1902.

Sir—I have the honor to forward herewith copy of a despatch from the Secretary of State for the Colonies, in which a report is asked for relative to a complaint made by the Government of the Netherlands that the authorities in South Australia did not render the assistance which, in view of Article 10 of the Anglo-Netherlands Convention of 1856, should have been afforded to the Netherlands Consul in connection with the arrest of the crew of the Dutch vessel *Vondel* at Adelaide.

You will observe that the despatch asks for a report from this Government. I shall be obliged, therefore, if you will be so kind as to forward me all available particulars in regard to the matter.

The Honorable the Premier of South Australia, Adelaide.

I have, &c.,

ALFRED DEAKIN.

Commonwealth of Australia—No. 18.]

Downing Street, April 18th, 1902.

My Lord—I have the honor to transmit to you, for the consideration and report of your Ministers, the papers noted in the subjoined schedule.

I have, &c.,

The Officer Administering the Government of the Commonwealth.

J. CHAMBERLAIN.

Date.	From	To	Subject.
April 12th, 1902 .....	Foreign Office	Colonial Office	Arrest at Adelaide of the crew of the Dutch vessel <i>Vondel</i> .

[With enclosure.]

The Honorable the Acting Minister of State for External Affairs.  
22/5/02.

HOPETOUN, Governor-General.

Londres, le 8 Avril, 1902.

Monsieur le Marquis—L'article 10 de la Convention consulaire Néerlandaise Britannique pour les Colonies stipule que de part et d'autre les autorités locales sont tenues d'accorder aux fonctionnaires consulaires dans les colonies toute l'aide que la loi leur permet de prêter en vue de l'arrestation et du renvoi de marins qui quittent sans permission les vaisseaux de la nationalité à laquelle ils appartiennent.

Monsieur le Consul Général des Pays Bas à Melbourne a fait savoir à mon Gouvernement que le Gouvernement de l'Australie Méridionale a refusé d'accorder cette assistance à Monsieur le Consul des Pays Bas à Adelaide lorsqu'aide a été demandée en Aout et Septembre, 1901, en vue de l'arrestation de l'équipage du navire Néerlandais *Vondel* sans qu'un motif d'excuse tant soit peu plausible ait été allégué.

J'ai en conséquence l'honneur d'appeler la bienveillante attention de votre Seigneurie sur la non application de l'article 10 de la Convention susnommée et de la prier de vouloir bien avoir la bonté de faire prendre si possible les mesures nécessaires afin d'en éviter le retour, les armateurs ayant subi des pertes considérables.

Veuillez agréer, &c.,

Son Excellence Le Marquis de Lansdowne, K.G., &c., &c., &c.

GERICKE.

Forcign

Foreign Office, April 12th, 1902.

Sir—I am directed by the Marquess of Lansdowne to transmit to you, to be laid before Mr. Secretary Chamberlain, a copy of a note from the Netherland Minister relative to the arrest of the crew of the Dutch vessel *Vondel*, at Adelaide, and complaining of the refusal of the local authorities to accord to the Netherland Consul the assistance provided for by Article 10 of the Anglo-Netherland Convention of 1856.

I am to suggest that the Governor-General of the Australian Commonwealth be requested to cause inquiry to be made, and to furnish a report on the circumstances of the case.

The Under Secretary of State, Colonial Office.

F. H. VILLERS.

No. 02/49/444.]

Commonwealth of Australia: Department of External Affairs, Melbourne, July 28th, 1902.

Sir—I have the honor to refer to my letter of 29th May last [*see preceding correspondence*], forwarding a copy of a despatch from the Secretary of State for the Colonies, in which a report was asked for relative to a complaint made by the Government of the Netherlands, that the authorities in South Australia did not render the assistance which, in view of the Anglo-Netherlands Convention of 1856, should have been afforded to the Netherlands Consul in connection with the arrest of the crew of the Dutch vessel *Vondel*, at Adelaide.

In the absence of the receipt of an acknowledgement of this letter, I had the honor to again bring the matter under your notice on the 5th instant, expressing my anxiety to furnish Mr. Chamberlain with the information he had requested at an early date. To this communication also no acknowledgment has been received, and, fearing that both letters may have miscarried in transit, I beg to forward a copy of my first letter, and trust that you will favour me with a reply thereto as early as possible.

The Honorable the Premier of South Australia, Adelaide.

I have, &c.,

ALFRED DEAKIN.

No. 02/49/434.]

Commonwealth of Australia: Department of External Affairs, Melbourne, July 5th, 1902.

Sir—I have the honor to refer to my letter of May 29th last, forwarding a copy of a despatch from the Secretary of State for the Colonies, in which a report is asked for relative to a complaint made by the Government of the Netherlands that the authorities in South Australia did not render the assistance which, in view of Article 10 of the Anglo-Netherlands Convention of 1856, should have been afforded to the Netherlands Consul in connection with the arrest of the crew of the Dutch vessel *Vondel*, at Adelaide.

I am anxious to furnish Mr. Chamberlain with the information he asks for at an early date, and shall be much obliged if you will be good enough to expedite the furnishing of the report as far as practicable.

The Honorable the Premier of South Australia, Adelaide.

I have, &c.,

ALFRED DEAKIN.

Premier's Office, Adelaide, August 13th, 1902.

Sir—In reply to your request of the 29th May last, that this Government should furnish particulars relative to a complaint made by the Government of the Netherlands that the authorities in South Australia did not render the assistance which should have been afforded to the Netherlands Consul in connection with the arrest of the crew of the Dutch vessel *Vondel* at Adelaide, I have the honor to say that I shall be glad to furnish the information asked for on application being made by the Right Honorable the Secretary of State for the Colonies through His Excellency the Governor of South Australia, this being, as I submit with the greatest deference, the constitutional method of approaching the Government of the State upon such subjects as that referred to in this correspondence.

I have, &c.,

J. G. JENKINS, Premier.

The Honorable the Acting Prime Minister of the Commonwealth, Melbourne, Victoria.

No. 02/49/456.]

Commonwealth of Australia: Department of External Affairs, Melbourne, August 19th, 1902.

Sir—I have the honor to acknowledge the receipt of your letter of the 13th August, referring to former correspondence on the subject of the arrest of the crew of the Dutch vessel *Vondel* at Adelaide.

It is regretted that this Government was not placed in possession of your views at an earlier date. Copies of the Secretary of State's despatch, in which a report was requested from this Government, were forwarded to you as far back as the 29th May, and in your letter on the subject, dated the 2nd August, there was no reference to the objection now set out.

May I be allowed to point out that there appears to be some misapprehension of the point at issue. The Secretary of State might, if he had deemed that course advisable or proper, have invited your Government to supply him with the information sought. The question whether under such circumstances the constitutional method of conveying his wishes to you would be through the Governor-General or your State Governor does not arise in the present instance, and need not therefore be considered.

As a reference to the despatch will show, it was the Ministers of State for the Commonwealth who were asked "to consider and report" upon the arrest at Adelaide of the crew of the Dutch vessel *Vondel*, and this task, as it properly falls within their functions, they will, of course, undertake.

The communication to your Government was sent because it appeared to be a courteous act to invite your attention to the complaint and your assistance in the inquiry, though neither was essential to a compliance with the invitation of the Imperial Government.

Apparently the investigation must now be undertaken directly by this Government, and I venture to hope that on consideration of all the circumstances we shall be favoured with the assistance of your Government and that of your officers. Our fulfilment of the obligation placed upon us will, I hope, afford you further evidence of our desire to recognise in every way your position as the Executive Government of the State of South Australia.

The Honorable the Premier of South Australia.

I have, &c.,

ALFRED DEAKIN.

Premier's Office, Adelaide, September 3rd, 1902.

Sir—I have the honor to acknowledge the receipt of your letter of the 19th August last upon the question of the arrest of the crew of the Dutch vessel *Vondel* at Adelaide.

With the greatest deference, I am unable to agree with your view that there is no reason for objection upon constitutional grounds to the method which the Right Honorable the Secretary of State has adopted in seeking information as to the conduct of Government authorities in this State. I submit that the constitutional method of seeking such information is by direct request to this Government through His Excellency the Governor, and I regret that this Government should have been slighted, as I humbly conceive it has been slighted, by a departure from established and constitutional methods.

In the result I have the honor to say that this Government cannot allow any of its officers to submit their conduct to inquiry by any other Government. I need not say that I shall be most willing to direct full inquiry into the circumstances of this case should the Right Honorable the Secretary of State intimate to my Government through His Excellency the Governor that he desires that such inquiry shall be made.

I have, &c.,

J. G. JENKINS, Premier.

The Honorable the Acting Prime Minister of the Commonwealth of Australia, Melbourne.

No. 02/49/464.]

Commonwealth of Australia: Department of External Affairs, Melbourne, September 2nd, 1902.

Sir—On the 19th August I had the honor to address you on the subject of the request by the Secretary of State for the Colonies that this Government should inquire into the circumstances connected with the arrest of the crew of the Dutch vessel *Vondel* at Adelaide. As no acknowledgment of that letter has been received, I shall be glad if you will be so good as to inform me whether it duly reached you.

I have, &c.,

ALFRED DEAKIN.

The Honorable the Premier of South Australia, Adelaide.

C.S.O., 651/02.

Premier's Office, Adelaide, September 8th, 1902.

Sir—I have the honor to acknowledge the receipt on the 6th instant of your letter dated the 2nd instant, intimating that an acknowledgment of your letter of the 19th August, on the subject of an inquiry into the circumstances connected with the arrest of the crew of the Dutch vessel *Vondel*, had not been received.

In reply I have to inform you that a letter on the subject was posted to you by the express of the 3rd instant and should have reached you on Thursday, the 4th instant.

I have, &c.,

J. G. JENKINS, Premier.

The Honorable the Acting Prime Minister of the Commonwealth, Melbourne, Victoria.

Premier's Office, Adelaide, September 16th, 1902.

[Memorandum from Ministers to His Excellency the Lieutenant-Governor.]

Ministers respectfully ask His Excellency the Lieutenant-Governor to inform the Right Hon. the Secretary of State for the Colonies by cable that this Government has been requested by the Commonwealth Government to furnish to that Government a report relative to the conduct of South Australian officials in connection with the arrest of the crew of the Dutch vessel *Vondel*, into which conduct the Imperial Government have asked the Commonwealth Government to inquire, and that this Government, believing that the constitutional method of obtaining information from this Government is through your Excellency, has declined to furnish a report to the Commonwealth Government; and further, that this Government is prepared, if so desired, to immediately report to the Imperial Government through your Excellency.

J. G. JENKINS, Premier.

Government

Government House, Adelaide, September 20th, 1902.

Sir—I am directed by His Excellency the Lieutenant-Governor to inform you that he has just received a cablegram from the Secretary of State for the Colonies, in reply to his cablegram of the 18th instant—"I shall be glad to have information desired by Dutch Government as to *Vondel*, and also, to have full statement of views of your Ministers' channel of communication in matters affecting external affairs and position of consuls."

The Honorable the Premier.

I have, &c.,

SINCLAIR BLUE, A.D.C.

20/9/02.—Cabinet.—J.G.J., C.S.

Respectfully returned to His Excellency the Lieutenant-Governor, with memorandum.  
24/9/02. J.G.J., Premier.

Premier's Office, Adelaide, September 23rd, 1902.

[Memorandum from Ministers to His Excellency the Lieutenant-Governor.]

In compliance with the request of the Right Hon. the Secretary of State for the Colonies that Ministers should submit a full statement of their views as to the proper "channel of communication" in matters affecting external affairs and the position of Consuls—that is, whether in such matters this Government should, as Ministers contend, communicate direct with the Imperial Government, or should do so through the Commonwealth Government—Ministers respectfully submit the following propositions in support of the views they take upon this question.

1. With regard to all matters (a) connected with departments actually transferred; (b) upon which the Commonwealth Parliament has power to make laws and has made laws,—Ministers concede that the Commonwealth Government is the proper channel of communication with the Imperial Government. Upon all other matters the relations which existed between the States and the Imperial Government before federation have been preserved by the constitution. The Commonwealth Bill of 1891 contained a clause requiring all communications between the Imperial Government and a State to be made through the Governor-General; but this clause was not adopted by the Convention of 1897–8, which framed the constitution.

2. It seems to Ministers obvious from the practical side of affairs that the "channel of communication" with the Imperial Government must be one in which some power relative to the subject of communication actually flows; especially where the subject may require action for the protection of Imperial interests. At present, as Ministers submit, no power exists in the Commonwealth Government regarding either "external affairs" or the position of consuls.

3. The vague power granted to the Commonwealth to make laws with respect to external affairs (Constitution, section 51, sub-section 29) is one which is likely to be the subject of much contention; and, in the interests of the State, Ministers do not feel justified in formulating any opinion as to the extent of authority which it may finally be found to confer upon the Commonwealth. It may or it may not mean that the Commonwealth has power to make laws to enforce Imperial treaties, and to punish State officers who violate such treaties; but no such law has yet been made. If a State officer is charged with acting in contravention of any Imperial obligation of this kind, the Commonwealth Government has no power to even call upon him for an explanation, much less to punish him if he has done wrong. The power to do these things remains at present with the State Government. It would be absurd to make the Commonwealth Government the "channel of communication" in matters in which they are powerless to act; and it would be an indignity to this Government, with whom, at present at least, lies the duty of maintaining Imperial treaties within its borders, if it were compelled to approach His Majesty's Ministers through the medium of any other Government.

4. It is important to remember with regard to treaties that the Commonwealth has no more legislative power than the State. The Bill of 1891 contained a power to legislate as to "external affairs and treaties," and in the covering clause it was provided that all treaties made by the Commonwealth should be binding, and these provisions were repeated in the Adelaide draft of 1897, but ultimately all reference to treaties under the head of legislative power was struck out. It is true the Constitution gives the High Court original jurisdiction of "matters arising under any treaty" (section 75, sub-section 1), and it has been suggested that this judicial power gives the Federal Government some kind of claim to be the "channel of communication" with the Imperial Government regarding the observance of treaties in any State of the Commonwealth. This suggestion is, it is submitted, not well founded. If the claim of a Government to be the "channel of communication" can be based upon the jurisdiction possessed by its Courts, this Government has as good a claim to be the "channel of communication" as the Commonwealth Government. There is no legislation which gives the High Court exclusive jurisdiction of "matters arising under any treaty," and the State Courts have in such matters equal jurisdiction. "State Courts may in the exercise of their ordinary and rightful jurisdiction incidentally take cognisance of cases arising under the Constitution, the laws, and treaties of the United States." Kent Comm., 1, 397. This doctrine is, it is submitted, as applicable under the Constitution of the Commonwealth as under that of the United States. No agreement excluding the right of the State to control its own officers in their conduct regarding Imperial treaties, and to communicate direct with the Imperial Government thereon, can be well founded upon the fact of judicial power in such matters having been conferred upon the High Court.

5. The same reason applies, *a fortiori*, to the contention of Ministers that in "matters affecting the position of Consuls," the Commonwealth Government should not be the "channel of communication" between this Government and the Imperial Government. Such matters are not within the legislative power of the Commonwealth, and cannot in any way come within the executive control of the Commonwealth Government. "Matters affecting Consuls or other representatives of other countries" are within the original

original jurisdiction of the High Court (section 75, sub-section 2). Such matters are also equally within the jurisdiction of the State Courts, but in the case of the Commonwealth they do not—and without an alteration of the Constitution cannot—come within the grasp of the legislative or executive power. In the case of the State they do. It would be humiliating to this State if, in a matter concerning which the Commonwealth has no legislative or executive power, it was compelled to recognise the Commonwealth Government as the “channel of communication” with the Imperial Government. Nor would it be any accretion to the status of the Commonwealth Government if it were to be made a mere conduit pipe for the conveyance of information regarding matters in which it has neither power nor responsibility. Ministers exceedingly regret that difficulty should arise in defining the respective positions of the Commonwealth and State Governments relative to the matters under discussion. They desire to be loyal to the federal compact, and to raise no difficulties regarding mere forms of procedure; but these issues, as Ministers humbly believe, involve matters of substance regarding which, unless otherwise directed by Parliament, they cannot depart from the views above respectfully set forth.

J. G. JENKINS, Premier.

Commonwealth of Australia : Department of External Affairs, Melbourne, September 26th, 1902.

Sir—I have the honor to acknowledge the receipt of your letter of the 3rd September, in reply to mine of the 19th August, relating to the inquiry which you were invited to undertake into the circumstances connected with the application of the Consul for the Netherlands, in September, 1901, for assistance in the recovery at Adelaide of certain members of the crew of the *Vondel*.

It is noted with regret that you conceive the Government of South Australia to have been slighted by the action of the Secretary of State in referring the question to this Government, and that you assert your determination only to comply with the request preferred by him should he communicate with you through your Lieutenant-Governor.

You will not expect me to discuss the action of the Secretary of State, except so far as may be necessary to show that this Government were in no way parties to any trespass upon the rights of your State or upon the consideration due to your Government as its Executive. For that purpose it will be necessary to shortly summarise the facts.

On the 8th April last the Ambassador of the Netherlands complained to the Imperial Government of a refusal of the local authorities at Adelaide to provide the assistance to which the captain of the ship named claimed that he was entitled under Article 10 of the Anglo-Netherlands Convention of 1856. The Secretary of State for the Colonies transmitted these representations to the Governor-General, with a request that they should be considered and reported upon by this Government. The same course has been pursued in a number of cases in which inquiries of various kinds have been sent through the Government of the Commonwealth to the Governments of the several States; some of them apparently for convenience only, others because of their subject matter. These have invariably been responded to by the States without demur, even when the subject of the inquiry has not been specifically within the Federal charter.

In this instance the matter sought to be investigated appears to me to lie clearly within the sphere of the Commonwealth. The fulfilment of treaty obligations is obviously one of those “external affairs” peculiarly Federal, which could not be dealt with independently by each State without producing an intolerable condition of confusion prolific in international complications. “Trade and commerce with other countries” and “shipping” are also specifically placed under Commonwealth control. The inference, therefore, is that, in strictness, any application by the Consul for the Netherlands, made under the Convention of 1856, ought to have been directed to the Federal Government, and probably that anything done in consequence must be taken to have been done under its jurisdiction.

For these reasons, among others, it appears to me that the application of the Secretary of State to the Governor-General was properly made to the Government responsible for and most concerned as to the validity of the course adopted in respect to the *Vondel*. But these views were not pressed, all questions as to the form or channel of communication being waived in order that the information sought by a foreign Government might be secured without further delay. Now, and perhaps for some time to come, until the respective areas of Federal and State authority are more clearly defined, there must often be unintentional trespasses on either side; hence your Government was simply invited to undertake whatever inquiry was necessary to enable us to reply to the Secretary of State, though up till now we have remained without any assurance of your compliance.

Yesterday, however, the Lieutenant-Governor of your State informed Lord Tennyson that, as desired by the Right Honorable the Secretary of State for the Colonies, he had requested your Government to furnish him for transmission to Mr. Chamberlain with a report on the matters complained of by the Dutch Government as to the ship *Vondel*. As you are therefore about to furnish the information asked for in my letter of May 29th it is unnecessary for this Government to take further action at present.

Noting that your Lieutenant-Governor has also requested a statement of the views of your Government “as to the channel of communication in matters relating to external affairs and the position of Consuls,” I may be permitted to suggest that probably an exchange of views on these points between our Governments might contribute to an earlier and more satisfactory agreement. Of course it must be recognised that neither the Secretary of State for the Colonies nor our respective Administrations can separately or by agreement increase or diminish our mutual rights or obligations where these are granted or necessarily implied in the Constitution of the Commonwealth.

The Honorable the Premier of South Australia, Adelaide.

I have, &c,  
ALFRED DEAKIN.

Premier's

Premier's Office, Adelaide, September 29th, 1902.

Sir—I have the honor to acknowledge the receipt of your letter of the 26th instant in reply to mine of the 3rd instant, relating to the question of the complaint by the Netherlands Consul-General against South Australian officials in connection with the crew of the ship *Vondel*.

I am unable, with the greatest submission, to agree with your opinion that the fulfilment of Imperial Treaty obligations is one of those "external affairs" contemplated by the Constitution as falling within the Federal power, and "which could not be dealt with independently by each State without producing an intolerable condition of confusion prolific in international complications."

As I construe the Constitution, the "external affairs" contemplated by the Constitution are the "external affairs" of the Commonwealth, not those of the Imperial Government. It is not, as I believe, an "external affair" of the Commonwealth whether the officials of any particular State, and particularly those of the judiciary of the State, do or do not properly construe the terms of Imperial Treaties, and act in accordance therewith. On the contrary, it would, I think, be intolerable if the Commonwealth were to exercise any power of interference in such a matter. No "intolerable condition of confusion, prolific in international complications," has heretofore arisen from each State having had the duty of fulfilling Imperial Treaties within its own borders, and your prophecy of the disaster which would follow the continued performance by the States of such obligations finds, I submit, no warrant in the history of Australia.

I accept with pleasure your suggestion that our respective Governments should further exchange views upon the points at issue; and in pursuance thereof I have now the honor to transmit to you a copy of a memorandum [September 23rd, 1902] addressed to the Right Honorable the Secretary of State for the Colonies, which contains the views of this Government as to the "proper channel of communication" upon such matters as that now under discussion.

I have, &c.,

J. G. JENKINS, Premier.

The Honorable the Acting Prime Minister, Commonwealth of Australia, Melbourne.

## SOUTH AUSTRALIA.

REPORT RE ACTION OF SOUTH AUSTRALIAN AUTHORITIES IN CONNECTION WITH CREW OF SHIP "VONDEL."

REPORT to the IMPERIAL GOVERNMENT regarding the ACTION of the SOUTH AUSTRALIAN AUTHORITIES in connection with the CREW of the ship *VONDEL*.

South Australia: Attorney-General's Office, Adelaide, September 29th, 1902.

[Memorandum to the Hon. the Premier.]

1. I have the honor, at the request of the Right Honorable the Secretary of State for the Colonies, to report as follows relative to the complaint of the Government of the Netherlands, founded upon a report of the Netherlands Consul-General for Australia, that the authorities of this State did not, in connection with the crew of the Dutch vessel *Vondel*, render the assistance to the Netherlands Consul which, in view of the Anglo-Netherland Convention of 1856, should have been afforded. I shall presume in this report that the complaint which the Consul-General has made to his Government, and which is stated in general terms in the request of the Right Honorable the Secretary of State, sets out the same grounds of grievance as those set out in his letter to His Excellency the Governor of the 21st September, 1901 (Appendix No. 10), no other complaint having come to my knowledge.

2. The complaint of the Consul-General is under three heads—

1. That the authorities of the State did not render the assistance agreed by the Convention to be rendered by Article XII.
2. That the said authorities did not render the assistance required by Article X.
3. That the Netherlands Consul for South Australia was insulted in public court by the solicitor for the crew of the *Vondel* at the hearing of a complaint laid by some of the crew against the master for non-payment of wages, and that the presiding magistrate did not reprimand the said solicitor therefor.

3. I shall deal with these complaints in the order named. It is necessary, however, to state the fact that during the greater part of the time of the alleged grievances the crew of the *Vondel* were living on the ship. They had refused duty, as appears from the Consul's letters to the magistrate of the 14th and 20th of August, 1901 (Appendix—Nos. 1 and 2), but they were not deserters, even within the broadest legal meaning of the word. Under these circumstances the magistrate held that Article XII. of the Convention, which was invoked by the Consul, had no bearing on the case; and in this view I coincide. This article (No. XII.) deals with the jurisdiction of Consuls and vica-Consuls to act as judges or arbitrators in differences which may arise between captains and crews without the intervention of the local authorities, unless the conduct of the crews or the captains should be such as to disturb the order and tranquillity of the place, or unless the Consuls should require the assistance of the authorities to carry their decisions into execution, or to maintain the authority thereof. No decision of the Consul in respect of any difference between the master and the crew was ever brought under the notice of the magistrate, except the Consul's decision in the dispute between the master and the crew as to wages, and this decision the magistrate upheld. (See Appendix No. 21.) I am unable, therefore, to see that Article XII. had anything to do with the case.

4. As to the complaint that Article X. of the Convention was not complied with, the magistrate held (and I agree in this view) that the circumstances, so far as they came before him, afforded no ground for the operation of this article of the Convention. The article deals with deserters, and requires that they shall be "arrested and surrendered." It will be noted that the Consul's letters of the 14th and 20th August to the magistrate do not request him to deal with the seamen as deserters by giving "all the assistance he was enabled by law to give" for their arrest and surrender. The letters ask the magistrate to have the sailors *brought on shore* and imprisoned, "because they positively refused to do duty." And the very terms of these requests show that the men were not deserters. The magistrate held, and I think properly, that he had no power to comply with the Consul's request. The Consul had power to deal with the seamen for refusing duty, and under Article XII. the local authorities would have been bound to render such assistance as might have been necessary to carry his decision into execution. But in the requests of the Consul for assistance there was an abandonment of his own authority as Consul—an authority which he insisted upon when the master was sued for wages, and in which insistence he was fully upheld by the magistrate. A similar exercise of his powers when the men refused duty would have saved the complications which have taken place.

5. It would appear that the men did subsequently absent themselves from the ship. But the magistrate reports that the master did not at any time apply to him for warrants or offer to lay an information on oath for the purpose of "arrest and surrender." (See magistrate's report of September 23rd, 1902, answers to questions 4 and 5, Appendix No. 14.)

6. The



6. The Inspector of Police reports (Appendix No. 16) that during August he was requested to arrest the men for being absent without leave, and to lock them up until the vessel was leaving and then put them on board. He very properly replied that he could not imprison the men without an order of the Court; but he offered to send constables to help put them on board. The master, however, declined to have this done, saying that the men would come on shore again. Even on the assumption that men who are "absent without leave" are deserters, the police thus offered the assistance required by Article X. of the Convention, but this assistance was declined. On August 23rd, 1901, the Consul wrote to His Excellency the Governor (Appendix No. 3) alleging that the men had deserted, and asking that they should be "arrested and imprisoned." This request was referred to the law officers, and the Crown Solicitor advised (Appendix No. 6) that an information on oath was necessary, and that then the men could be arrested and delivered to the master. This advice was communicated to the Consul, in a letter written by direction of His Excellency on August 30th, 1901 (Appendix No. 7), but no subsequent action was taken by the Consul or the master.

7. It is obvious from the letters of the Consul, and without reference to the reports of the magistrate and the Inspector of Police, that what the Consul and the master wanted was to have the men arrested and put in prison in South Australia until his vessel was leaving, and then to have them put aboard, and to have this done without any trial and on the bare request of the Consul. That this was so is further borne out by the letter of the Consul-General himself to His Excellency the Governor (Appendix No. 10), which complains that the men were not taken into custody until the departure of the vessel. The terms of the Convention require, as I have pointed out, that deserters shall be arrested and "surrendered" not detained. Neither the Convention nor the law of this State would have justified action of the kind desired by the Consul and the master of the ship. Both the magistrate and the arresting constable might, under the circumstances, have incurred serious danger if, in compliance with the requests made, they had restrained the liberty of the seamen, some of whom, for anything that is known, may have been subjects of some other friendly power.

8. With regard to the third ground of complaint, I have the honor to state that there is no authority in this State which has power to punish solicitors for using insulting language in Court to those opposed to them, so long as no contempt of the Court itself is committed. It is the privilege of counsel to make statements based on his client's instructions, even if such statements made elsewhere might be slanderous. It is not suggested that any contempt of Court was committed, and therefore the magistrate had no punitive jurisdiction. All that he could do was to express disapproval of the language used, and he did in his judgment, upholding the Consul's jurisdiction, administer a reproof to the solicitor, as appears by the report of the case published in the *South Australian Register* of the 24th August, 1901, a copy of which is sent herewith (Appendix No. 21). His Excellency the Governor, upon receiving the complaint of the Consul, referred it to me, and I advised that His Excellency had no power to punish Mr. Cruickshank, the offending solicitor. The Consul was duly advised of this by direction of His Excellency on August 28th, 1901 (Appendix No. 22). The Consul cannot, therefore, reasonably complain that any want of attention was shown to his grievances.

9. I respectfully submit that the complaint of the Consul-General for the Netherlands is grounded upon a misapprehension of the facts of the case, and of the law applicable to these facts. If His Majesty's Government or the Government of the Netherlands disagrees with the views taken by the magistrate and by the Inspector of Police in the case under discussion, I beg that it will not be conceived that any other motive animated them than a desire to act in accordance with what they believed to be the law. It is the desire, as it is the duty, of this Government and of all its officials to implement in the most generous spirit the obligations imposed by Imperial treaties.

J. H. GORDON, Attorney-General.

Respectfully forwarded to His Excellency the Lieutenant-Governor.

1/10/02.

J. G. JENKINS, Premier.

#### APPENDIX OF DOCUMENTS.

- No. 1. August 14th, 1901.—Request to imprison seamen—Mr. Consul Paxton to Mr. Johnstone, S.M.  
 No. 2. August 20th, 1901.—Request to imprison seamen—Mr. Consul Paxton to Mr. Johnstone, S.M.  
 No. 3. August 23rd, 1901.—Letter—Mr. Consul Paxton to His Excellency Lord Tennyson.

Three enclosures—

(1) Copy of No. 1 (above).

(2) Copy of No. 2 (above).

(3) Request to imprison seamen—Mr. Consul Paxton to Lord Tennyson, August 23rd, 1901.

- No. 4. August 23rd, 1901.—Letter—Lord Tennyson's Private Secretary to Mr. Consul Paxton.  
 No. 5. August 24th, 1901.—Report by Mr. Johnstone, S.M.  
 No. 6. August 27th, 1901.—Opinion of Mr. Stuart, Crown Solicitor.  
 No. 7. August 30th, 1901.—Letter—Lord Tennyson's Private Secretary to Mr. Consul Paxton.  
 No. 8. September 4th, 1901.—Letter—Mr. Consul Paxton to the Private Secretary.  
 No. 9. September 4th, 1901.—Letter—The Private Secretary to Mr. Consul Paxton.  
 No. 10. September 21st, 1901.—Letter—Mr. Consul-General Bosschart to Lord Tennyson.  
 No. 11. September 10th, 1902.—Memorandum from the Honorable the Attorney-General to Mr. Johnstone, S.M.  
 No. 12. September 13th, 1902.—Mr. Johnstone's report in reply to No. 11.  
 No. 13. September 22nd, 1902.—Further memorandum from the Attorney-General to Mr. Johnstone, S.M.  
 No. 14. September 23rd, 1902.—Mr. Johnstone's report in reply to No. 13.  
 No. 15. September 23rd, 1902.—Letter—The Honorable the Chief Secretary to Sub-Inspector Doyle.  
 No. 16. September 23rd, 1902.—Sub-Inspector Doyle's report in reply to No. 15. *The*

*The following relate only to the Proceedings in the Police Court:—*

- No. 17. August 15th, 1901.—Letter—Mr. Consul Paxton to Mr. Johnstone, S.M.  
 No. 18. August 19th, 1901.—Letter—Mr. Consul Paxton to Lord Tennyson.

Enclosures—

Copies of Newspaper cuttings from the *Register* and *The Advertiser*.

- No. 19. August 22nd, 1901.—Letter—Lord Tennyson's Private Secretary to Mr. Paxton.  
 No. 20. August 23rd, 1901.—Letter—Mr. Paxton to the Private Secretary.  
 No. 21. August 24th, 1901.—Cutting from *South Australian Register*—Mr. Johnstone's judgment.  
 No. 22. August 28th, 1901.—Letter—The Private Secretary to Mr. Paxton.  
 No. 23. August 28th, 1901.—Letter—Mr. Paxton to the Private Secretary.

### No. 1.

[Request to local authorities to imprison scamen or mariners.]

Consulaat der Nederlanden, Adelaide, August 14th, 1901.

Sir—P. Nelsen, Ole W. Olsen, Olaf Nielsen, Marius Olsen, and Augustus Lefloke, part of the crew of the *Vondel*, of Amsterdam, Holland, whereof W. Catlander is master, recently arrived in this port from Falmouth, England, having positively refused to do duty, I have the honor respectfully to request that you will, if requested by the master, please cause the said-named persons to be arrested, brought on shore, and imprisoned.

Respectfully yours,

(Seal)

R. A. PAXTON, Consul for the Netherlands at Adelaide.

To W. Johnstone, Esq., S.M., Port Adelaide.

### No. 2.

[Request to local authorities to imprison seamen or mariners.]

Consulaat der Nederlanden, Adelaide, August 20th, 1901.

Sir—Alfred Torgers and Augustus Lefloke, two of the crew of the *Vondel*, of Amsterdam, Holland, whereof W. Catlander is master, recently arrived in this port from Falmouth, England, having positively refused to do duty, I have the honor respectfully to request that you will, if requested by the master, please cause the said-named persons to be arrested, brought on shore, and imprisoned, in accordance with Article 12 of the Consular Convention with Great Britain and Holland.

Respectfully yours,

(Seal)

R. A. PAXTON, Consul for the Netherlands at Adelaide.

To W. Johnstone, Esq., S.M., Port Adelaide.

### No. 3.

Consulaat der Nederlanden, Adelaide, August 23rd, 1901.

Your Excellency—I have the honor to inform you that two applications, dated 14th and 20th inst. (*vide* copies herewith), for the arrest and detention of certain seamen, part of the crew of the Netherlands ship *Vondel*, now at Port Adelaide, have been made to the local authority at Port Adelaide, W. Johnstone, Esq., Stipendiary Magistrate. The applications have in each case been refused. In consequence of this refusal the men referred to deserted yesterday, and also one other member of the crew.

I may say that I made the order to the magistrate for the arrest of the said seamen in accordance with Article 12 of the Consular Convention with Great Britain, which reads as follows:—"The Consuls-General, Consuls, and vice-Consuls of one of the two contracting parties shall, in the colonies and foreign possessions of the other, have the right, as far as may be there permitted to the Consuls-General, Consuls, and vice-Consuls of the most favoured nation, and as far as the laws of their own country may permit them to act as judges and arbitrators in differences which may arise between the captains and the crews of vessels of their own country, without the intervention of the local authorities, unless the conduct of the crew or of the captain should be such as to disturb the order and tranquillity of the place, or unless the Consuls-General, Consuls, and vice-Consuls should require the assistance of the said authorities, in order to carry their decisions into execution or to maintain the authority thereof. It is, however, understood that any such special decision or arbitration shall not preclude the litigating parties from the right of appealing, on their return, to the judicial authorities of their own country."

The law of the Netherlands governing this matter reads as follows:—"The master or his representative can call in the public force against those who refuse to come on board, who absent themselves from the ship without leave, and refused to perform to the end the service for which they are engaged. The expenses thereby incurred can be deducted from the delinquent's wages, without prejudice to his liability to damages and interest where assignable."

In accordance with Article 6 of the Treaty, which states that "Consuls-General, Consuls, and vice-Consuls are not invested with any diplomatic character, but in all urgent cases of local and commercial interest they may address themselves to the Governor of the colony or possession" (Treaty with Great Britain, 6/3/1856), I now have the honor to request that your Excellency will kindly assist me in this matter by giving the necessary instructions for the arrest and detention of the seamen referred to in the enclosed request for desertion, in accordance with Article No. 10 of the Treaty, which reads as follows:—"Arrangements having been already made between the Governments of the Netherlands and of Great Britain for the mutual arrest and surrender of seamen who may desert from merchant vessels of the one country

country in the ports of the other, it is agreed that the local authorities in the colonies and foreign possessions of either of the two contracting parties shall afford to the Consuls-General, Consuls, and vice-Consuls of the other all such assistance as they may be enabled by law to give for the arrest and surrender of seamen who may desert from the merchant vessel of their nation while in the ports of those possessions and colonies. If the deserter shall have committed any crime or offence against the laws of the colony or possession, his surrender may be deferred until the Court which has cognisance thereof shall have given its sentence and the sentence have been carried into effect."

Thanking you in anticipation of your immediate assistance, and regretting that I am compelled to trouble your Excellency.

I have, &c.,

R. A. PAXTON, Consul for Netherlands at Adelaide.

To His Excellency Lord Tennyson, Governor of South Australia, Adelaide.

[Enclosure (1) to No. 3.]

[Request to local authorities to imprison seamen or mariners.]

Consulaat der Nederlanden, Adelaide, August 14th, 1901.

Sir—P. Nielsen, Ole W. Olsen, Olaf Nielsen, Marius Olsen, and Augustus Lefloke, part of the crew of the *Vondel*, of Amsterdam, Holland, whereof W. Catlander is master, recently arrived in this port from Falmouth, England, having positively refused to do duty,—I have the honor respectfully to request that you will, if requested by the master, please cause the said-named persons to be arrested, brought on shore, and imprisoned.

Respectfully yours,

(Seal) R. A. PAXTON, Consul for Netherlands at Adelaide.

To W. Johnstone, Esq., S.M., Port Adelaide.

[Enclosure (2) to No. 3.]

[Request to local authorities to imprison seamen or mariners.]

Consulaat der Nederlanden, Adelaide, August 20th, 1901.

Sir—Alfred Torgers and Augustus Lefloke, two of the crew of the *Vondel*, of Amsterdam, Holland, whereof W. Catlander is master, recently arrived in this port from Falmouth, England, having positively refused to do duty,—I have the honor respectfully to request that you will, if requested by the master, please cause the said-named persons to be arrested, brought on shore, and imprisoned, in accordance with Article 12 of the Consular Convention with Great Britain and Holland.

Respectfully yours,

(Seal) R. A. PAXTON, Consul for the Netherlands at Adelaide.

To W. Johnstone, Esq., S.M., Port Adelaide.

[Enclosure (3) to No. 3.]

[Request to local authorities to imprison seamen or mariners.]

Consulaat der Nederlanden, Adelaide, August 23rd, 1901.

Your Excellency—Hans Schklubber, Alfred Torgers, Olaf Nielsen, A. Lagerblom, Peter Nilsen, Ole W. Olsen, Edward Petersen, Augustus Lefloke, and Marius Olsen, part of the crew of the *Vondel*, of Amsterdam, Holland, whereof W. Catlander is master, recently arrived in this port from Falmouth, England, having deserted from the said ship,—I have the honor respectfully to request that your Excellency will kindly cause the said-named persons to be arrested and imprisoned, in accordance with Article No. 10 of the Consular Convention with Great Britain and Holland.

I have, &c.,

(Seal) R. A. PAXTON, Consul for the Netherlands at Adelaide.

To His Excellency Lord Tennyson, Governor of South Australia, Adelaide.

#### No. 4.

Government House, Adelaide, S.A., August 23rd, 1901.

Dear Sir—I have the honor, by direction of His Excellency the Governor, to acknowledge the receipt of your letter of to-day, and to inform you that he has referred the matter to his Ministers, with the request that it may be attended to at once.

Yours, &c.,

The Consul for the Netherlands.

RICHARD NEVILL, P.S.

#### No. 5.

A.G.O., 540/02.]

[Mr. Johnstone's Report.]

Respectfully returned to the Hon. the Attorney-General.—I have the honor to report that the complaint against me by the Consul-General for the Netherlands is evidently the result of misunderstanding on his part of the facts, coupled with want of knowledge of my limited powers as a local authority with respect to foreign seamen.

The requests for warrants to arrest certain of the crew of the ship *Vondel* were made on the ground that the men had "positively refused duty" (*vide* Mr. Paxton's request to me), not for desertion, which "consists in the abandonment of the ship by any apprentice or seaman lawfully engaged before the due termination of his engagement without just cause and with the intention of not returning to the ship."

I pointed this out, and that in the absence of application by "Order in Council" to foreign ships, of the necessary provisions relating to order and discipline covering the offence in the Merchant Shipping Act, 1894, I was quite powerless in the matter (*vide* section 734). Had the requests been for desertion, they would of course have met with immediate compliance.

The Consul-General, I note, complains of my omission to reprimand the men's solicitor for using strong expressions against the Consul here in opening a case in a claim for wages by two of them. My action is shown in the concise report of my judgment in dismissing the information, which I have the honor to append. (*See No. 21 infra.*) I do not see how the "Consul's dignity" could have been better vindicated.

24/8/01.

W. JOHNSTONE, S.M.

## No. 6.

[Government House Despatch 135/1901.]

In my opinion it is unnecessary to trouble His Excellency the Governor on this matter. It appears to me that requests in writing to the magistrate to cause the alleged deserters to be arrested are not sufficient. The Consul or master seeking arrest ought to have laid information on oath. On that information the magistrate can issue his warrant, and on proof of the desertion order the deserter to be delivered to master, mate, owner, or agent of the ship. The authority for this course is contained in Merchant Shipping Act 1894, section 238, and Order in Council, *London Gazette*, March 10th, 1854.

27/8/01.

J. M. STUART, Crown Solicitor.

## No. 7.

Government House, Adelaide, S.A., August 30th, 1901.

Dear Sir—I am directed by His Excellency the Governor to inform you that your communication of the 23rd instant, on the subject of the desertion from the ship *Vondel*, has been considered by his Ministers, and that they cannot advise him to move in the matter.

It appears to the law officers of the Crown that requests in writing to the magistrate to cause the alleged deserters to be arrested are not sufficient. The Consul or master seeking arrest ought to have laid information on oath. On that information the magistrate can issue his warrant, and, on proof of the desertion, order the deserter to be delivered to master, mate, owner, or agent of the ship. The authority for this course is contained in Merchant Shipping Act, 1894, section 238, and Order in Council, *London Gazette*, March 10th, 1854.

I have, &amp;c.,

The Consul for the Netherlands, Adelaide.

RICHARD NEVILL, Private Secretary.

## No. 8.

Consulaat der Nederlanden, Adelaide, September 4th, 1901.

Sir—I have the honor to acknowledge the receipt of your communication of the 30th ultimo, informing me that His Excellency the Governor is unable to move in the matter regarding the arrest and detention of certain seamen of the Dutch ship *Vondel*.

In reference to my requests I may say that I gave two to Captain Catlander, of the *Vondel*, under seal, in order that my decision as Consul against the said seamen for disobedience might be carried out, and the authority thereof maintained, in compliance with Article 12 of the Consular Convention with Great Britain and Holland. In accordance with these requests Captain Catlander asked the Stipendiary Magistrate at Port Adelaide and also the Inspector of Police for the necessary assistance, and when making his application before the magistrate and Inspector, he was prepared to do whatever was necessary (*i.e.*, to take out a warrant) for the arrest and detention of the men, but neither the magistrate nor the Inspector of Police would assist him or recognise my requests.

The requests being made in compliance with Article 12 aforesaid, all expenses incurred thereby would naturally be protected under my sealed applications, without which Captain Catlander could not act.

In view of the necessary assistance not having been given, I shall require to bring the whole of the proceedings under the notice of the Netherlands Government, and in the meantime I shall of course respectfully abide by the decision of His Excellency, that he is unable to move in the matter and cause the arrest of the seamen for desertion.

I have, &amp;c.,

R. A. PAXTON, Consul for the Netherlands at Adelaide.

The Private Secretary to His Excellency the Governor of South Australia, Adelaide.

## No. 9.

Government House, Adelaide, S.A., September 4th, 1901.

Sir—I have the honor to acknowledge the receipt of your letter of the 4th instant, which I have placed before the Governor, and have been directed by His Excellency to forward the same to his Minister.

I have, &amp;c.,

The Consul for the Netherlands.

RICHARD NEVILL, P.S.

## No. 10.

Consulaat Generaal der Nederlander voor Australië, Nieuw Zeeland, en Tasmanie,

[No. 1665.]

Melbourne, September 21st, 1901.

Excellency—I have the honor to request your Excellency's Government's kind attention to difficulties that have arisen between the magistrate and the Consul for the Netherlands at Adelaide, with respect to some members of the crew of the Netherlands vessel *Vondel*.

The

The facts submitted to me by the said Consul are that the crew of the *Vondel* have all signed the ship's articles for the voyage from Europe to Australia and *back to Europe*, but nevertheless wished to be paid off already at Adelaide, and refused work, whilst applying at the same time to the court.

Of course the captain wished to compel the men to do their service until the end of the contracted voyage, and by virtue of the power given to him by the Netherlands laws and the Article 12 of the Convention with Great Britain, the Consul claimed the right to act as judge, and applied to the authorities for the necessary assistance to carry his decision into execution—that is the official discharge of his legal functions by virtue of His Majesty's exequatur. The Consul for the Netherlands for South Australia, at Adelaide, was merely insulted in public court by the solicitor of the disobedient crew, and that, owing to magistrate's omission to reprimand the offender, the Consul's dignity was not duly maintained, to which deplorable fact I beg to respectfully request your Excellency to call that magistrate's superior's attention. Neither the Consul nor the captain of the *Vondel* received any assistance whatsoever from the concerned magistrate to maintain in the territorial waters their authority over the disobedient crew, whom the magistrate and police refused to take into custody until the departure of the vessel.

The police magistrate's refusal to grant the assistance referred to in Article 12 of the Consular Convention with Great Britain of the 6th March, 1856, constitutes evidently a breach of the arrangement, to which your Excellency may be pleased to call the magistrate's superior's attention.

Under the described circumstances the disobedient members of the crew could do whatever they liked, and deserted, after having given a lot of trouble and caused heavy expenses to the ship. Desertion and expenses had been avoided if the magistrate concerned had not refused to act in accordance with the Convention Article 12.

When finally, by virtue of Article 10 of the said Convention, the arrest and surrender of the deserters was requested, for which the local authorities should have afforded to the Consul all such assistance as they may be enabled by law to give, no assistance whatever was given, though the captain informed the magistrate twice that he would give information on oath for the issue of the warrants.

The refusal of the magistrate to issue a warrant for the arrest of the deserters is clearly, in my opinion, on the facts before me, a breach of the Article 10 of the Convention with Great Britain, to which I respectfully request your Excellency to call the attention of the magistrate's official superiors.

In view of the very friendly and pleasant relations between your Excellency's Government and this Consulate-General, I sincerely wish to avoid any unpleasantness, which would arise for me if I had to place the matter before my Government, as will be my duty in case things are not settled as they should be settled. Before taking any further steps, therefore, I have the honor to respectfully request your Excellency to acquaint your Excellency's Ministers with the affair, and to kindly let me know the result.

I have, &c.,

W. L. BOSSCHART, Consul-General.

To His Excellency Lord Tennyson, Governor of South Australia.

#### No. 11.

[A.G.O., 540/02.]

[Memorandum from the Hon. the Attorney-General to Mr. Johnstone, S.M.]

The Dutch Government has moved the Imperial authorities for a report as to the *Vondel* case, and it is charged that the South Australian authorities did not give due assistance to the Consul in the matter of the arrest of the crew, &c., &c. I shall be glad to have a full report from the S.M. for transmission to the Imperial Government.

J.H.G., A.G.

10/9/02.

#### No. 12.

[Mr. Johnstone's report in reply to No. 11.]

Respectfully returned to the Honorable the Attorney-General.—I have the honor to state that I can add nothing to my report of last year to the Honorable the Minister on the *Vondel* case (see No. 5), except that I respectfully submit the following references in support of my view of the law in the matter:—

- i. Temperley in his "Merchant Shipping Act, 1894," p. 113, *re* "Provisions as to Discipline," says, " . . . it was held that the sections of the M.S. Act, 1854, under the head 'Discipline,' referred only to British ships."
- ii. The same author at foot of section 734, p. 375-6, which gives power to apply by *Order in Council* any of the provisions of the M.S.A., 1894, to foreign ships; notes—"Under the repealed Act this power was *not* exercised."

Another authority I have seen also mentions this singular fact.

13/9/02.

W. JOHNSTONE, S.M.

#### No. 13.

[Further memorandum from the Honorable the Attorney-General to Mr. Johnstone, S.M.]

In addition to your former report *re* ship *Vondel*, be good enough to let me have replies to the following questions:—

1. Did you reply to letters from Consul of 14th and 20th August? If so, how was the reply given, and to whom? What was the reply?
2. Were you interviewed by the Consul or his solicitor as to the subject matter of the said letter? If so, what took place?
3. Did the Consul or his solicitor produce to you the Convention with the Netherlands?

4. Were

4. Were warrants for arrest of seamen applied for, and by whom? What was the alleged offence? Were warrants applied for for desertion by seamen; and, if so, by whom and when?

5. Did the master intimate to you that he was prepared to lay an information on oath for a warrant for arrest of the seamen? If so, for what offence did he propose to lay the information?

6. Had you any intimation from the Consul or his representatives that he (the Consul) had given a decision as judge or arbitrator in respect of which he desired the assistance of yourself or of the local authorities for the enforcement of such decision?

22/9/02.

J.H.G., A.-G.

#### No. 14.

[Mr. Johnstone's report in reply to No. 13.]

Local Courthouse, Port Adelaide, September 23rd, 1902.

Sir—I have the honor to reply as follows to questions enclosed in yours of this date by the Honorable the Minister:—

1. Both letters were handed to me by the master of the *Vondel*. The replies were verbally given to the master. I informed the master on both occasions that I had no power to do what was asked for in the letters, viz., "to cause the seamen named in the letters as having refused to do duty to be arrested, brought on shore, and imprisoned," there being in law no desertion. Mr. Webb, solicitor for the master, saw me afterwards, and contended I was the local authority which might be called in to assist in arresting the seamen. I informed him that the police and not myself were the local authority to call in to assist, and that I could only act on a sworn information by warrant; and also that I had no power to issue a warrant in the case of a foreign ship for refusal of duty by the crew.

2. As to question 2, this is answered in my reply to question 1, except as to Consul, who at no time interviewed me.

3. As to question 3, I know of the Convention, but do not remember if it was shown me.

4. Warrants were only applied for for refusal to do duty; warrants for desertion were never asked for by anyone.

5. In answer to question 5, the master did not, so far as I remember, propose to lay an information on oath; certainly never one for desertion.

6. In answer to question 6, I had at no time any intimation from the Consul or his representatives that he (the Consul) had given a decision as judge or arbitrator in respect of which he desired the assistance of myself or the local authorities for the enforcement of such decision.

On an information laid under the Master and Servants Act by the seamen for wages against the master, I received from the Consul an intimation in writing to the effect that the matter referred to in the summonses against the master was decided by him in his capacity as Consul for the Netherlands, and was, therefore, outside the jurisdiction of the authorities of this State. I upheld, upon the hearing of the case, the objection of the Consul to the jurisdiction, and dismissed the case.

To the Honorable the Attorney-General.

I have, &c.,

W. JOHNSTONE, S.M.

#### No. 15.

Chief Secretary's Office, Adelaide, September 23rd, 1902.

[*Re Vondel*.]

Sir—I desire to be furnished by you with a full report as to any applications made to you in August, 1901, by the Consul for the Netherlands, or by the master of the ship *Vondel*, to assist in the arrest of seamen belonging to the said ship.

You will state fully the nature of the applications, and in what manner you dealt with them. Amongst other things, you will state whether you were at any time requested to arrest the men as deserters and surrender them to the ship.

To Mr. Doyle, Sub-Inspector of Police, Port Adelaide.

Yours, &c.,

J.G.J., Chief Secretary.

#### No. 16.

[Sub-Inspector Doyle's Report.]

Adelaide, September 23rd, 1902.

Sir—I have the honor to report for your information that in August, 1901, the master of the ship *Vondel*, in company with Mr. Webb, solicitor, called on me and requested me to arrest some members of the crew of the *Vondel* for being absent without leave. I asked them if warrants were issued for their arrest. Mr. Webb replied, "No; we request you to arrest and lock them up until the vessel leaves, and put them on board." I replied, "I cannot do that without warrants to arrest, and have them brought before the court in the usual way." I then said to the master, "I will send constables with you to help you to put them on board." The master replied, "It is no use, they will come on shore again." The men were not reported to me as deserters at any time, either by the captain, the Consul, or Mr. Webb. I made the offer to send constables with the master under the power given in sections 150 and 153 of our Marine Board Act, and section 222 of the Imperial Shipping Act of 1894.

I have, &c.,

JOHN DOYLE, Sub-Inspector of Police, Port Adelaide.

To the Honorable the Chief Secretary.

LETTERS

## LETTERS AND PAPERS RELATING ONLY TO PROCEEDINGS IN POLICE COURT.

## No. 17.

Consulaat der Nederlanden, Adelaide, August 15th, 1901.

Dear Sir—The enclosed summons has been handed to me by Captain Catlander, of the Dutch ship *Vondel*. The matter referred to therein is decided by me in my capacity as Consul for the Netherlands, and is therefore outside the jurisdiction of the authorities of this State.

I, therefore, on behalf of Captain Catlander, beg to inform you that, acting upon my advice, given in accordance with the treaty obligations existing between Great Britain and Holland (*vide* Article 12, Convention Great Britain), he does not intend to answer the said summons.

I have, &amp;c.,

R. A. PAXTON, Consul for the Netherlands at Adelaide.

W. Johnstone, Esq., S.M., Port Adelaide.

## No. 18.

Consulaat der Nederlanden, Adelaide, August 19th, 1901.

Your Excellency—It is with very deep regret that I have to bring under the notice of your Excellency a statement of a defamatory nature, which was made in connection with and regarding the position I hold as Consul for the Netherlands in this State, by a Mr. Cruickshank, solicitor, in the Local Court at Port Adelaide, before Mr. Johnstone, Police Magistrate.

The statement referred to is to the effect that Mr. Cruickshank referred to me, when addressing the Magistrate, as the "so-called Dutch Consul," and that I conspired with the captain of the ship *Vondel*, with the object of levying blackmail from two members of the crew of that ship, who had sued the captain for wages alleged to be due.

For the information of your Excellency, I may say that the captain of the *Vondel* received a summons to appear at the Local Court at Port Adelaide on Friday, the 16th instant, to show cause why the aforesaid wages should not be paid. On the day previous, viz, Thursday, the 15th instant, I wrote to Mr. Johnstone, the Stipendiary Magistrate, and informed him that the matter in the summons did not come within the jurisdiction of the local authorities of this State, and that such disputes were settled by me as Consul for the Netherlands, and that the captain would not appear. A copy of this letter I enclose herewith. (*See No. 17, supra.*) The case was, however, proceeded with, and the magistrate allowed the defamatory statement complained of to be made, and same appeared in the *Advertiser* and *Register* newspapers on Saturday last, the 17th instant, as per cuttings therefrom, also enclosed herewith.

In justice to the Netherlands Government, and myself personally as their representative in this State, and, moreover, as your Excellency is aware, I hold the *exequatur* from the British Government in recognition of my consular office, I am reluctantly compelled to ask your Excellency to be good enough to cause the solicitor, Mr. Cruickshank, and the magistrate, Mr. Johnstone, to be informed that the statement referred to be publicly withdrawn in the Local Court at Port Adelaide. Thanking you in advance,

I have, &amp;c.,

R. A. PAXTON, Consul for the Netherlands at Adelaide.

To His Excellency Lord Tennyson, Governor of South Australia, Adelaide.

[Enclosures to No. 18.]

[*Advertiser*, August 17th, 1901.]

(Police Court, Port Adelaide, Friday, August 16th, 1901, before Mr. W. Johnstone, S.M.)

Captain W. Catlander, master of the Dutch ship *Vondel*, was charged on the information of Augustu Leffler, with having engaged the informant as a seaman at the rate of £3 per month, and that the defendant having been notified by the informant of his desire to be discharged, had declined to pay him the balance of wages due, amounting to £7 14s. Alfred Torgersen claimed £7 under similar conditions. Mr. R. Cruickshank appeared for the men. The defendant failed to appear. Mr. Cruickshank submitted that the affair was an attempt on the part of the captain and the "so-called" Dutch Consul (Mr. R. A. Paxton) to flout the courts, and to blackmail the men by deducting from their wages a blackmail of 12s. a day for certain days during which a dispute occurred between them and the captain. An adjournment was secured by Mr. Cruickshank till Wednesday next, to allow the captain to be served with a notice to produce the articles under which the men shipped.

[*Register*, August 17th, 1901.]*International Legal Difficulty.*

Another instance of international legal difficulty presented itself at the Port Adelaide Police Court on Friday morning, when the master of the Dutch ship *Vondel*, named as the defendant, did not appear, evidently on the ground that the court had no jurisdiction. Two informations were laid by seamen charging the master, Captain W. Catlander, with having engaged them at Cardiff as seamen at £3 per month, and upon applying for their discharges with having declined to pay them the balance of wages due. Augustu Leffler claimed £7 14s., and Alfred Torgersen £7. Mr. R. Cruickshank appeared for the informants, but the captain did not attend. Mr. Cruickshank stated that the affair was an attempt on the part of the captain and the "so-called" Dutch Consul (Mr. R. A. Paxton) to blackmail the men by deducting from their wages 12s. per day for certain days on which a dispute had occurred between the master and the men, and to "flout" the court that the matter was one in which they had no jurisdiction. He applied for an adjournment until Wednesday, to allow the captain to be served with a notice to attend the court and produce the articles under which the men were shipped. He would then prove that the court had jurisdiction, the men having shipped at a British port.

## No. 19.

Government House, Adelaide, South Australia, August 22nd, 1901.

Dear Sir—I am directed by His Excellency the Governor to acknowledge the receipt of your letter of the 19th instant, and to inform you that he does not see that he can take any action in the matter you refer to. His Excellency has no jurisdiction that he knows of over either Mr. Cruickshank or Mr. Johnstone.

The Governor has been advised by the Attorney-General that the justices presiding have no authority to require counsel to retract; but if Mr. Cruickshank has exceeded his privilege and has made improper charges you have a remedy in the courts.

Believe me, &c.,

RICHARD NEVILL, P.S.

## No. 20.

Consulaat der Nederlanden, Adelaide, August 23rd, 1901.

Sir—I have the honor to acknowledge the receipt of your letter of the 22nd inst., written at the direction of His Excellency the Governor, and intimating to me, I presume, as Consul for the Netherlands (as your letter is not addressed), that His Excellency has no jurisdiction that he knows of over either Mr. Cruickshank or Mr. Johnstone. In reply, I beg respectfully to direct the attention of His Excellency to the exequatur which I hold from the British authorities and which has been duly gazetted in this State. I enclose copy of the exequatur herewith, and, as I seek the assistance of His Excellency in the matter referred to in my letter of the 19th inst., I shall esteem it a favour if you will kindly inform me whether His Excellency still declines to grant the assistance necessary to correct the assertions made, and which, according to the newspapers, were again to some extent repeated by Mr. Cruickshank yesterday in the Local Court at Port Adelaide.

Referring to the advice given by the Attorney-General to His Excellency, I may have a remedy in the Local Courts as a private citizen, but not in my capacity as Consul for the Netherlands. This latter, I venture to remark, is protected by my exequatur.

In conclusion, I may add that in bringing this matter under the notice of His Excellency I am acting upon the advice of the Consul-General for the Netherlands for Australasia and New Zealand.

I have, &c.,

R. A. PAXTON, Consul for the Netherlands.

The Private Secretary to His Excellency the Governor of South Australia, Adelaide.

## No. 21.

[Mr. Johnstone's Judgment.]

[Cutting from *S.A. Register*, August 24th, 1901.]

*Jurisdiction over Foreign Seamen.*

The following is the judgment delivered by Mr. W. Johnstone, S.M., at the Port Adelaide Police Court on Thursday, in the case of the two seamen of the Dutch ship *Vondel*, who claimed wages and discharges from the master, Captain W. Catlander:—These are informations laid under the Masters and Servants Act. It has been contended that this court has no jurisdiction to hear and determine the claims, on the ground that they are by foreign seamen engaged to serve on a foreign ship, and it has been said that the proceedings are not only illegal but entirely unjustifiable, international rights having been ignored. The Consul for the Netherlands, writing me with respect to the summonses, protests as follows:—"The matter referred to is decided by me in my capacity as Consul for the Netherlands, and is, therefore, outside the jurisdiction of the authorities of this State." The question for the court to decide is, are these contentions valid or not? I answer emphatically, yes, undoubtedly they are from every point of view. This court has most certainly not the legal power, right, or authority in any way to determine these claims, and refuses, therefore, to entertain them. The proceedings are without the slightest foundation. The assumption that claims such as these can be recovered here under the Masters and Servants or any other Act, in my view, is opposed to commonsense and reason. The only court, so far as I can gather, that can entertain claims such as these is the High Court of Justice (Admiralty Division). An authority says of it: "This court can entertain claims by foreign seamen against a foreign ship, on notice being given to the Consul of the foreign country. If he protests, the court has a discretion to determine whether the action shall proceed or not." Here and elsewhere Consuls appear to exercise an independent power in the case of seamen of the nation they represent. Important questions have been raised, and I feel it will be well to state concisely the position Consuls occupy in our midst. A Consul is a most important official, commissioned to reside in a foreign country, and formerly permitted by the Government of that country to perform the duties which were specified in his commission, such as the care of the commercial interests of the citizens of the appointing Government. It is his duty to protect its seamen, and provide for their subsistence when shipwrecked, discharged, or left behind, even when their service has been with foreign merchants. The Consul of their nation has adjudicated upon their claims, and the men must abide by his decision, a just one, no doubt (since he is their official protector), and not in any way deserving of the strong comments (to which I objected) made upon it, when these claims were first called on. Cases speak for themselves, and even when counsel believe they have the best evidence to warrant strong representations in opening a case, it is better to qualify by the words so often used, "if I am correctly informed."



119

## No. 22.

Government House, Adelaide, S.A., August 28th, 1901.

Sir—In reply to your letter of the 23rd, which, by direction of His Excellency the Governor, I submitted to the Attorney-General, I have the honor to inform you that the Governor has been advised that he has no power to compel Mr. Cruickshank to withdraw his remarks to which you object, or to inflict any punishment for their use.

I have, &amp;c.,

The Consul for the Netherlands, Adelaide.

RICHARD NEVILL, P.S.

## No. 23.

Consulaat der Nederlanden, Adelaide, August 28th, 1901.

Sir—I have the honor to acknowledge the receipt of letter of 28th inst., and intimating that His Excellency the Governor has no power to compel Mr. Cruickshank to withdraw the remarks complained of in my letter of the 19th instant., for which I thank you.

I have, &amp;c.,

R. A. PAXTON, Consul for the Netherlands at Adelaide.

The Private Secretary to His Excellency the Governor of South Australia, Adelaide.

## SOUTH AUSTRALIA.

FURTHER CORRESPONDENCE RE CHANNEL OF COMMUNICATION  
BETWEEN IMPERIAL AND STATE GOVERNMENTS.

FURTHER CORRESPONDENCE (*vide* P.P. No. 65 of 1902) *re* CHANNEL of COMMUNICATION BETWEEN the IMPERIAL GOVERNMENT and the STATE GOVERNMENT respecting EXTERNAL AFFAIRS.

South Australia.—No. 33.]

Downing Street, November 25th, 1902.

Sir—I have had under my consideration the memorandum of your Ministers, forwarded in your Despatch, No. 39 of the 25th of September, in which they state their views as to the proper channel of communication in regard to matters arising in Australia affecting external affairs and the position of Consuls.

2. I fully recognise the desire of your Ministers to be loyal to the Federal compact and to raise no difficulties in regard to mere forms of procedure, and I agree in their views as to the importance of the issues involved in this question.

3. My own views on the subject were indicated, as I have already pointed out in my telegram of the 1st of October last, by the fact that I addressed the Commonwealth upon the subject of the complaint of the Dutch Government in the first instance, and, though I have examined the memorandum of your Ministers with the closest attention, I have not been able to find any sufficient reason to modify them.

4. It is due to your Ministers that I should state in as full and frank a manner as that in which they themselves have expressed their views the reasons which have led me to a conclusion different from that which commends itself to them.

5. In the first place, it appears to me that the aim and object of the Commonwealth of Australia Constitution Act was not to create merely a new administrative and legislative machinery for the six States united in the Commonwealth, but to merge the six States into one united Federal State or Commonwealth, furnished with the powers essential to its existence as such. Before the Act came into force, each of the separate States—subject, of course, to the ultimate authority of the Imperial Parliament—enjoyed practically all the powers and all the responsibilities of separate nations. By the Act a new State or nation was created, armed with paramount power, not only to settle the more important internal affairs relating to the common interests of the united peoples, but also to deal with all political matters arising between them and any other part of the Empire or (through His Majesty's Government) with any foreign Power.

That appears to me the obvious meaning of section 3 of the Act, which declares that on and after a day appointed by proclamation "the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia." On that day Australia became one single entity, and no longer six separate States, in the family of nations under the British Crown, and the external responsibility of Australia (except in regard to matters in respect to which a later date was fixed by the Constitution) vested immediately in the Commonwealth, which was armed with the paramount power necessary to discharge it.

6. The consequence is, that in respect of all matters declared by the Constitution Act to be matters of Federal concern, the immediate responsibility to His Majesty's Government rests upon the Federal Government. Whether the Federal Government and Parliament make special Federal provision for the discharge of any part of that responsibility, or are content to leave it for the time to the State machinery already in existence, is entirely a matter of internal arrangement, and does not warrant His Majesty's Government in ignoring the fact that in the creation of the Commonwealth Parliament has, in compliance with the will of the people of Australia, devolved the responsibility upon the Federal authorities.

7. The sphere within which His Majesty's Government should communicate with the Federal Government is co-extensive with the responsibility and power of the Commonwealth. There does not appear to be anything in the Constitution which would justify them in limiting it, as contended by your Ministers, to matters connected with the departments actually transferred or matters upon which the Commonwealth Parliament has power to make laws and has made laws. Nor can I accept the view that in all matters not connected with departments transferred to the Commonwealth, or upon which the Commonwealth Parliament has not legislated, the relations which existed between the States and the Imperial Government before Federation have been preserved by the Constitution. The powers of the States have, it is true, been preserved, but the immediate responsibility to His Majesty's Government for their exercise in Federal matters has been transferred to the Commonwealth. The Constitution has furnished the Commonwealth with paramount power in regard to such matters, power wider in its scope than that vested in any individual State, and with corresponding responsibility. The sphere of action possessed by the Commonwealth Executive extends over the whole area of that power and responsibility, and if the legislative or other machinery provided by the Commonwealth Parliament, or by the States Legislatures, for the discharge of that responsibility is inadequate or defective, it is their duty to see that a remedy is provided either by inviting the State Governments and Legislatures to do so or by Federal action. The Constitution has in fact placed the Commonwealth as an intermediary between the Imperial Government and the States in regard

regard to the matters assigned to it, and if His Majesty's Government were to correspond direct with the States in regard to such matters it would be tantamount to ignoring the obvious intention of the Act to fix the final responsibility for them on the Commonwealth.

8. Unless the Federal Government is made the channel of communication for all Federal matters, it will obviously be impossible for it to judge whether the existing arrangements are suitable and sufficient, or whether any special provision is required for dealing with them.

9. The further argument that "from the practicable side of affairs the channel of communication with the Imperial Government must be one in which some power relative to the subject of communication actually flows, especially where the subject may require action for the protection of Imperial interests," appears to me to be based on the assumption that the power of the Commonwealth and its responsibilities are limited by the actual powers conferred for the time being on the Commonwealth Executive.

10. The illustration cited by your Ministers in the third paragraph of their memorandum shows, however, that they are aware that in a State of a Federal or quasi-Federal nature like the British Empire, the responsibilities of the Executive are not bounded by the powers with which it is for the time being armed. It is the Imperial Government that is immediately and ultimately responsible to a foreign power if a State officer in Australia, a Dominion or Provincial officer in Canada, or an officer in any self-governing colony violates or acts in contravention of an Imperial obligation. But, in the grant of self-government to the Colonies, the power to call upon such an officer for explanation of his conduct, or to punish him, has been placed by Parliament in the hands of the local Executive. It has done so in implicit reliance on the co-operation and good will of the Colonial Executives, and in the confident faith that Imperial obligations are held as sacred by the people and the Ministers of the Crown in the Dominions of His Majesty beyond the seas as they are by the people and Government of this country.

That confidence has been amply justified by the steadfast loyalty of the Colonies and their Ministers, and I have no doubt that in like manner in the case of Australia, when the change made by the Commonwealth Constitution Act is fully understood, the position of the Federal authority as an intermediary will not in any way impair that loyalty or the cordiality with which any request for explanation or assistance has been met by the Governments of the several States now merged in the Commonwealth.

11. I do not gather that your Ministers wish to contend that the question which arose in regard to the *Vondel* was not a "Federal" matter, and that it only contends that as it was only one in regard to which the State Executive could in present circumstances alone take action, application should have been made direct to them. That contention I have dealt fully with above, and it does not appear to be necessary to enter into the question of the precise meaning to be attached to the words "external affairs" in the Constitution Act; but I concur in the view of the Federal Government that the special provisions of Article 75 in respect to matters "arising under any treaty" and matters "affecting Consuls or other representatives of other countries" imply that such questions are of special Federal concern.

12. I regret that your Ministers should regard it as humiliating to them that communications on Federal matters should pass through the Federal Government. That feeling does not appear to be shared by the other State Governments; and I am confident that when your Government have further considered the position, they will loyally accept what was undoubtedly the will of the Parliament and of the people of Australia.

The question is not one of administrative convenience, but of recognising and respecting the position assigned to the Commonwealth by the Federal Constitution. I have, &c.,

The Officer Administering the Government of South Australia.

J. CHAMBERLAIN.

Premier's Office, Adelaide, February 15th, 1903.

[Memorandum to His Excellency the Lieutenant-Governor.]

1. Ministers have the honor to acknowledge the receipt from His Excellency of the letter of the Right Honorable the Secretary of State for the Colonies, dated November 25th, 1902, in reply to the memorandum of Ministers of September 25th, 1902, in which, at the request of the Right Honorable the Secretary of State for the Colonies, they stated their views as to the proper channel of communication in regard to matters arising in Australia affecting "external affairs" and the position of Consuls.

2. Ministers desire to intimate with great respect that they are unable to agree with the following propositions contained, as they gather from its terms, in the letter of the Right Honorable the Secretary of State for the Colonies:—

A. That there is nothing in the Constitution which limits the responsibility and power of the Commonwealth to matters connected with the departments actually transferred, or matters upon which the Commonwealth Parliament has power to make laws and has made laws.

B. That the question of the observance of Imperial treaties by the officials of a State is a matter of Federal concern as being an "external affair," and that the question which arose in regard to the *Vondel* was a "Federal" matter.

3. As to these differences of opinion concerning issues which the Right Honorable the Secretary of State for the Colonies admits to be important, Ministers feel that no apology is needed either for disagreement with his views, or for a plain statement of the reasons for such disagreement. The desire of His Majesty's Imperial Government and of this Government is the same, namely, that the Constitution of the Commonwealth shall be maintained in its integrity, and a clear statement of the differing opinions of those who are for the time being in their respective spheres entrusted with the duty of so maintaining it, is the best way of elucidating and finally ascertaining the true principles by which they should be guided.

4. As to proposition "A," Ministers with great respect take exactly the contrary view of the Constitution. They maintain that the power and responsibility of the Commonwealth is limited to matters connected with departments actually transferred and upon which the Commonwealth Parliament has power to make laws and has made laws. The pervading misconception of the argument of the Right Honorable the Secretary of State for the Colonies is, as Ministers humbly believe, caused by a contemplation of the general words of section 3 of the Act, without giving effect to the established rule of construction "that general words and phrases, however wide and comprehensive in their literal sense, must be construed as strictly limited to the immediate objects of the Act." A contemplation of this section, apart from the

succeeding parts of the Constitution, which strictly define its scope and objects, has apparently led to the misconception that something in the nature of a unification, and not a federation, has been accomplished between the federating States.

5. The view which Ministers take of the Constitution is that the grant of power to the Commonwealth, notwithstanding the general terms of section 3, is strictly limited to the departments transferred, and to matters upon which the Commonwealth Parliament has power to make and has made laws. In the distribution of legislative and consequently of executive power made by the Constitution, all powers not specifically ceded to the Commonwealth remain in the States.

6. Ministers cannot agree with the contention that there does not appear to be anything in the Constitution which justifies this limitation. The method of inquiry as to the powers of the Commonwealth implied in this contention is, as Ministers respectfully submit, incorrect. The validity of any power claimed by the Commonwealth should be tested by inquiring—Does the Constitution specifically confer the power? If it does not, the conclusion should be against the claim. On the other hand, as to any power claimed by the States, the inquiry should be—Does the Constitution expressly deny it? If it does not, the claim should be admitted. The idea of an undefined area of legislative and executive power possessed by the Commonwealth which underlies the argument of the Right Honorable the Secretary of State for the Colonies is, in the opinion of Ministers, repugnant to the Constitution.

7. The importance to the States, especially to the smaller States, of strictly maintaining the lines of demarcation between Commonwealth and State power is manifest. Already a movement has begun to destroy the Federal element in the Constitution. A remarkable indication of this may be gathered from a speech made by Sir William Lyne, the Commonwealth Minister for Home Affairs, at Kalgoorlie, in Western Australia, on the second day of the present month. Speaking of the Constitution, Sir William Lyne said :—“If the population increased in the States as he expected, he did not think three of the larger States would still consent to be governed by four of the smaller ones. He hoped that when the time came there would not be bloodshed, but that things would settle themselves in a manner worthy of the records of the first Parliament.”

8. Believing, as Ministers do, that the peaceful and successful working of the Constitution depends upon the strict maintenance of the lines of demarcation between the powers of the Commonwealth and those of the States, and that that line is drawn clearly in the Constitution, they cannot agree to the opinions of the Right Honorable the Secretary of State for the Colonies which increase, by implication, the power of the Commonwealth, and which seem to Ministers to tend to unification, and to a sacrifice of the Federal to the National principle.

9. As to proposition “B,” Ministers in their memorandum of the 23rd September, 1902, expressed opinions which they see no reason to modify. While admitting that the question is open to doubt, they do not concede that the power to make laws with respect to “external affairs” carries with it a power to make laws regarding Imperial treaties. They believe that the “external affairs” contemplated by the Constitution are the “external affairs” of the Commonwealth itself, and not the “external affairs” of the Imperial Government. It is, as Ministers have previously pointed out, much in favour of their contention that the power to legislate as to “external affairs and treaties,” which was contained in the Convention Bill of 1891, and repeated in the Adelaide draft of 1897, was ultimately struck out, and that the Commonwealth has no legislative powers as to treaties.

10. Ministers pointed out, in their previous memorandum on this question, that the State Courts have equal jurisdiction with that conferred by the Constitution upon the Federal High Court as to “matters arising under any treaty,” and that no argument excluding the right of the State to control its own officers regarding Imperial treaties, and to communicate direct with the Imperial Government thereon, can well be founded upon the fact of judicial power in such matters having been conferred upon the High Court.

11. Where the Commonwealth has no legislative power it has no executive power. If, as Ministers contend, the power to legislate with respect to “external affairs” does not include the power to legislate for the observance by States or their officials of Imperial treaties, then the whole subject is outside the bounds of the Commonwealth power.

12. Ministers repeat, with much respect, that the law and the facts in connection with the *Vondel* case themselves show that such an affair ought not to be regarded as a matter coming within the Federal power. The *Vondel* case is not, judged by either its legal or administrative bearings, an “external affair” at all, as the following facts show :—

- (a) The Merchant Shipping Act, in pursuance of treaty, casts certain duties with respect to deserting seamen from foreign ships upon policemen and magistrates, who were colonial and are now State officials. That Act is still unrepealed and unaltered ;
- (b) Neither the Commonwealth nor the State Legislatures have power to alter Imperial legislation made applicable to the Colonies ;
- (c) The Commonwealth Act gives no jurisdiction over State officials, nor does it make the Commonwealth liable for their neglect or misconduct ;
- (d) If any responsibility in this matter exists it is in the State, and it would be promptly disavowed by the Federal Government ;
- (e) In the *Vondel* case an unfounded charge was made by the Netherlands Government as to the action of the State police and the decision of a State magistrate, both of whom acted under the “Merchant Shipping Act.” The matter was one as to which the Commonwealth had no jurisdiction, no knowledge, and no liability. No State, as Ministers believe, will ever tolerate interference with its judiciary or with any of its officers by the Commonwealth, unless express power to do so is given by the Constitution.

13. For the reasons above set forth, Ministers respectfully disagree with the views of the Right Honorable the Secretary of State for the Colonies, which, as they believe, are not in accord with the Constitution. They hold that the proper course was taken by them in the *Vondel* case in declining to communicate with the Imperial Government through the Commonwealth Government ; and they respectfully decline to acknowledge that Government as an intermediary in such cases for the future.

J. H. GORDON, Acting Premier.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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MINUTES OF THE PROCEEDINGS

OF THE

## JOINT SITTING

OF THE

HOUSES OF PARLIAMENT OF THE STATE OF NEW SOUTH WALES

TO CHOOSE A PERSON

TO

HOLD THE PLACE IN THE SENATE RENDERED VACANT

BY THE

RESIGNATION OF SENATOR RICHARD EDWARD O'CONNOR, K.C.

---

Held in accordance with the Provisions of the Commonwealth of Australia Constitution Act,  
Section 15.

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*Ordered by the Legislative Assembly to be printed, 14 October, 1903.*

SYDNEY: WILLIAM APPELEGATE GULLICK, GOVERNMENT PRINTER.

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1903.

## NEW SOUTH WALES.

## LEGISLATIVE COUNCIL CHAMBER.

THURSDAY, 8 OCTOBER, 1903.

THE Members of the Legislative Council and Legislative Assembly met, pursuant to Resolution, passed in each House, in the Legislative Council Chamber at half-past Seven o'clock, p.m.

1. ELECTION OF PRESIDENT:—The Premier, the Honorable Sir John See, M.L.A., addressing himself to the Clerk of the Parliaments, moved, That the Honorable Francis Bathurst Suttor, President of the Legislative Council, do act as President of the Joint Sitting of the two Houses of the Legislature for the election of a Senator in the place of Mr. Justice O'Connor, resigned, and that, in the event of his absence, the Honorable William McCourt, Speaker of the Legislative Assembly, do act in that capacity.

And the Vice-President of the Executive Council, Colonel Mackay, M.L.C., duly seconded the said motion.

Question put and passed unanimously.

Whereupon the Honorable Francis Bathurst Suttor, President of the Legislative Council, standing on the Dais, made his acknowledgments to the joint Houses, and took the Chair.

The Honorable William McCourt, Speaker of the Legislative Assembly, as Vice-President, occupied a seat on the Dais, at the right of the Chair.

## 2. RULES OF PROCEDURE:—

- (1) Sir John See brought up certain Rules for the regulation of the Proceedings at the Joint Sitting, and moved, That the proposed Rules be read by the Clerk of the Parliaments.

Question put and passed.

The same were read at length by the Clerk accordingly.

## PARLIAMENT OF NEW SOUTH WALES.

*Rules for the Regulation of the Proceedings at the Joint Sitting of the Two Houses to choose a Person to hold the place in the Senate rendered vacant by the Resignation of Senator Richard Edward O'Connor, K.C.*

1. In all cases not herein specially provided for, the proceedings, and any debate arising thereon, shall be conducted according to parliamentary usage.

2. A Member, addressing himself to the President, shall propose a person to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor, K.C., and such proposition shall be duly seconded. The Member proposing any person shall state to the Members present that such person is willing to hold the vacant place if chosen.

3. If only one person be proposed and seconded, the President shall propose the Question,—  
“That \_\_\_\_\_ be chosen to hold the place in the Senate rendered vacant by the  
“resignation of Senator Richard Edward O'Connor,” and should such Question be passed in the affirmative, shall so declare.

4. If more than one person be proposed and seconded, the person to hold the vacant place shall be chosen by "ballot."

5. Before giving directions to proceed with the first ballot, the President shall ask if any Member desires to propose any other person to fill the vacancy, and no other person being proposed, the first ballot shall be proceeded with, after which no person shall be proposed.

6. The President shall appoint a Member of each House to be scrutineers, who, with the Clerks of the two Houses, shall ascertain the number of votes for each person.

7. Each Member present shall be provided with a ballot-paper certified by the Clerks of the two Houses, and shall write thereon the name of one of the persons duly proposed, and shall place the paper in the ballot-box.

8. Any ballot-paper not containing the name of one of the candidates, or containing more than one of such names, shall be held to be informal, and, in determining the votes recorded, no informal ballot-paper shall be counted.

9. The President shall declare when each ballot is closed, whereupon the scrutineers, with the Clerks of the two Houses, shall retire and conduct the scrutiny of the votes; the scrutineers shall make a written report of the result to the President.

10. If any person shall have an absolute majority of the whole number of the Members voting, the President shall forthwith declare—"That \_\_\_\_\_ has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor."

11. If on the first ballot no person shall have received an absolute majority of the Members voting, a second ballot shall be taken; but the name of the person who shall have received the fewest votes at the first ballot shall be excluded.

12. Until one of the persons proposed obtains an absolute majority of the Members voting, successive ballots shall be taken, and at each ballot the name of the person who shall have received the fewest votes at the preceding ballot shall be excluded.

13. If on any ballot it shall be necessary to decide between two or more persons as to which is to be excluded from a subsequent ballot through the number of votes for such persons being equal, a special ballot shall be taken, and the name of the person having the greatest number of votes at such special ballot shall be included at the subsequent ballot.

14. The President shall in all cases be entitled to a vote, and in the case of an equality of votes on a special ballot, or on the submission of the two final names, he shall give a casting vote, and any reasons stated by him may be entered in the Records.

15. As soon as any person obtains an absolute majority of the Members voting, the President shall declare—"That \_\_\_\_\_ has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor."

16. The President shall forthwith inform His Excellency the Governor that \_\_\_\_\_ has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor.

17. The records of the proceeding and ballot-papers shall be retained by the Clerk of the Parliaments of the State of New South Wales, who shall be the custodian thereof.

(2.) Sir John See moved, That the Rules, as read, be taken "*in globo*."

Debate ensued.

Mr. Price, M.L.A., moved, That the Question be amended by the omission of the words "*in globo*," with a view to the insertion in their place of the word "*seriatim*."

Debate continued.

Question put,—That the words proposed to be omitted stand part of the Question.

And a Division being demanded, and the Members having taken their places, the "Ayes" to the right, and the "Noes" to the left, of the Chair, and it appearing that there was a large majority in favour of the "Ayes," the President stated that, to obviate unnecessary delay, he would assume the responsibility of deciding the matter, and declared the Question to have passed in the *affirmative*.

Question then,—That the Rules, as read, be taken *in globo*,—put and passed.

(3.) Sir John See moved, That the Rules, as read, be now adopted.

Mr. Meagher, M.L.A., moved, That Rule 4 be amended by the omission of the word "ballot," with a view to the insertion in its place of the words "open voting."

Debate ensued.

Question



Question put,—That the word proposed to be omitted stand part of the Rule.

The Joint Houses divided.

Ayes, 89.

Legislative Council.

The Honorables—  
A. W. Meeks,  
Sir Arthur Renwick,  
W. R. Campbell,  
E. Vickery,  
S. Charles,  
J. Macintosh,  
A. Kethel,  
B. Backhouse,  
Dr. Nash,  
W. Robson,  
J. Hepher,  
N. J. Buzacott,  
F. Flowers,  
A. Ross,  
J. Hughes,  
Sir Normand MacLaurin,

The Honorables—  
R. Jones,  
W. C. Hill,  
C. E. Pilcher,  
Dr. Cullen,  
L. F. Heydon,  
Colonel Holborow,  
H. E. Kater,  
C. J. Roberts,  
Dr. Norton,  
N. Hawken,  
H. C. Dangar,  
J. Watson,  
Colonel Mackay,  
J. M. Creed,  
W. J. Trickett,  
R. Fowler,  
R. G. D. FitzGerald, *Teller*

Legislative Assembly.

Mr. Farnell,  
Mr. Fegan,  
Mr. Hayes,  
Mr. Waddell,  
Mr. Scobie,  
Mr. Crick,  
Mr. Kidd,  
Mr. Perry,  
Mr. O'Sullivan,  
Mr. Carruthers,  
Mr. Hogue,  
Mr. Henry Clarke,  
Mr. Dight,  
Mr. Brunker,  
Mr. Burgess,  
Mr. Fallick,  
Mr. Archer,  
Mr. Latimer,  
Mr. Eden George,  
Mr. Wade,  
Mr. Oakes,  
Mr. Cann,  
Mr. E. M. Clark,  
Mr. Davis,  
Mr. McFarlane,  
Mr. Moore,  
Mr. Affleck,  
Mr. Thomson,

Mr. W. F. Hurley,  
Mr. Anderson,  
Mr. Nelson,  
Mr. Holman,  
Mr. D. R. Hall,  
Mr. John Storey,  
Mr. Hollis,  
Mr. J. C. L. Fitzpatrick,  
Mr. John Hurley,  
Mr. Lonsdale,  
Mr. Dacey,  
Mr. McGowen,  
Mr. Coleman,  
Mr. Moxham,  
Mr. C. A. Lee,  
Mr. Davidson,  
Mr. David Storey,  
Mr. Webster,  
Mr. Richards,  
Mr. G. A. Jones,  
Mr. Edden,  
Mr. Nicholson,  
Mr. Garland,  
Mr. Humphery,  
Mr. McNeill,  
Sir John See,  
Mr. McCourt,  
Mr. Willis, *Teller*.

Noes, 53.

Legislative Council.

The Honorable—  
W. A. Long,

The Honorable—  
H. Moses, *Teller*.

Legislative Assembly.

Mr. McLaurin,  
Mr. Briner,  
Mr. Kelly,  
Mr. Cohen,  
Mr. Millard,  
Mr. Gilbert,  
Mr. Dick,  
Mr. Gormly,  
Mr. Byrne,  
Mr. Evans,  
Mr. Whiddon,  
Mr. Alexander Campbell,  
Mr. Williams,  
Mr. Nielsen,  
Mr. Hawthorne,  
Mr. Archibald Campbell,  
Mr. Sullivan,  
Mr. Quinn,  
Mr. Sleath,  
Mr. Broughton,  
Mr. Jessep,  
Mr. Mackenzie,  
Mr. Fleming,  
Mr. Law,  
Mr. R. D. Meagher,  
Mr. Levy,

Mr. Haynes,  
Mr. Power,  
Mr. Daley,  
Mr. O'Connor,  
Mr. Ashton,  
Mr. Arthur Griffith,  
Mr. T. R. Smith,  
Mr. Quirk,  
Mr. Clara,  
Mr. Estell,  
Mr. J. F. Smith,  
Mr. Barnes,  
Mr. Brinsley Hall,  
Mr. Wood,  
Mr. MacMahon,  
Mr. Miller,  
Mr. Gillies,  
Mr. Pyers,  
Mr. McCoy,  
Mr. Collins,  
Dr. Ross,  
Mr. Carroll,  
Mr. Rose,  
Mr. Nobbs,  
Mr. Morton, *Teller*.

The President thereupon declared the Question to have passed in the affirmative  
Question then,—That the Rules, as read, be now adopted,—put and passed.

3. PERSON PROPOSED TO HOLD THE VACANT PLACE IN THE SENATE :—The President having announced that he was now prepared to receive proposals with regard to a person to fill the vacant place in the Senate caused by the resignation of Senator Richard Edward O'Connor, K.C.,—
- (1.) The Honorable Charles Kinnaird Mackellar, M.L.C., was duly proposed by the Honorable Sir John See, M.L.A., who stated that the candidate was willing, if elected, to hold the vacant place, and seconded by the Honorable Sir Normand MacLaurin, M.L.C.
  - (2.) John Procter Gray, Esquire, was duly proposed by the Honorable Joseph Hector Carruthers, M.L.A., who stated that the candidate was willing, if elected, to hold the vacant place, and seconded by Mr. James Ashton, M.L.A.
  - (3.) The President having inquired if any Member desired to propose another person to fill the vacancy, and no other person being so proposed,—
4. BALLOT—SCRUTINEERS APPOINTED :—
- (1.) The President appointed the Honorable William Joseph Trickett, Chairman of Committees, Legislative Council, and Mr. John Henry Cann, Chairman of Committees, Legislative Assembly, to act as Scrutineers, and directed the Ballot to be proceeded with.
  - (2.) Ballot-papers, duly certified by the Clerks of the two Houses, were issued to Honorable Members, and were deposited by them in the ballot-boxes.
  - (3.) The President then declared the Ballot to be closed.
5. RESULT OF THE BALLOT :—
- (1.) The Scrutineers, with the Clerks of the two Houses, having retired and duly conducted the scrutiny of the ballot-papers, reported to the President as follows :—
- MR. PRESIDENT,—
- We have the honor to report that 140 votes were recorded by the Honorable Members present, and we find, after the scrutiny, that the result of the ballot is as follows :—
- For CHARLES KINNAIRD MACKELLAR—88 Votes.  
For JOHN PROCTER GRAY—52 Votes.
- W. J. TRICKETT, } Scrutineers.  
J. H. CANN, }
- JOHN J. CALVERT,  
Clerk of the Parliaments.
- RICHD. A. ARNOLD,  
Acting Clerk of the Legislative Assembly.
- Legislative Council,*  
8th October, 1903.
- (2.) The President thereupon declared that the Honorable Charles Kinnaird Mackellar, M.L.C., having obtained an absolute majority of the votes recorded, had been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor, K.C.
- Whereupon Sir John See, Mr. Carruthers, Colonel Mackay, and other Honorable Members offered their congratulations to the newly-chosen Senator.
- And Dr. Mackellar made his acknowledgments to the joint Houses.
6. NOTIFICATION OF THE ELECTION TO HIS EXCELLENCY THE GOVERNOR :—Sir John See moved,—That the President be requested to forthwith inform His Excellency the Governor that the Honorable Charles Kinnaird Mackellar, M.L.C., M.B., C.M., had been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Richard Edward O'Connor, K.C.
- Question put and passed.
7. VOTE OF THANKS TO THE PRESIDENT :—Sir John See moved, and the Honorable J. H. Carruthers seconded the motion, That a Vote of Thanks be accorded to the President.
- Question put by the Vice-President, and passed unanimously.

The President thereupon returned Thanks, and, at two minutes after Eleven o'clock, p.m., declared the Joint Sitting closed.

JOHN J. CALVERT,  
Clerk of the Parliaments.  
RICHD. A. ARNOLD,  
Acting Clerk of the Legislative Assembly.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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# A SHORT REVIEW

OF THE

CONTENTS OF THE REPORT OF THE COMMONWEALTH  
COMMISSIONERS ON SITES FOR THE SEAT OF  
GOVERNMENT OF THE COMMONWEALTH

(WITH ANNEXURES),

BY

ALEXR. OLIVER,

PRESIDENT OF THE LAND APPEAL COURT, AND STATE COMMISSIONER TO  
INQUIRE INTO AND INSPECT SITES FOR THE SEAT OF GOVERNMENT  
OF THE COMMONWEALTH, &C.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
20 August, 1903.

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SYDNEY: WILLIAM APPLGATE GULLICK, GOVERNMENT PRINTER.



Land Appeal Court,

Darlinghurst,

19th August, 1903.

To the Honorable

SIR JOHN SEE, K.C.M.G., &c.,

Premier and Chief Secretary of New South Wales.

Sir,

A consideration of the extraordinary results of the inquiries instituted by the Commissioners appointed by the Commonwealth Government, when compared with those set forth in my Report, dated 30th October, 1900, has induced me to examine the methods by which those results have been reached. The most striking of these are described in the annexed Review.

Although all the Commissioners have attached their names to the Report just issued by them, and have thus become jointly responsible as signatories, yet there is a very generally diffused belief that there has all along been a dominant influence among this body of representative Experts, whose *sic volo sic jubeo* has been too readily accepted by his colleagues. If this belief is well founded, it would account for much in this Report which I find almost incomprehensible.

This Memorandum does not profess to be an exhaustive criticism of the Commonwealth Commissioners' Report. The short time at my disposal, coupled with the state of my health, made that impossible. Still less does it profess to be in any sense a substitute for the Supplementary Report now passing through the Government Press, but for various reasons not likely to be issued for some weeks.

This Paper has necessarily taken the form of a Defence of my own Report, and more particularly of the Site therein recommended as entitled to first place among all the Sites examined.

I should add that, in spite of almost irresistible temptation to deal with the Commissioners' Report "on its merits," I have done my best not to stray from the lines of impartial and temperate criticism.

I have the honour to be,

Sir,

Your obedient Servant,

ALEXR. OLIVER.

# A SHORT REVIEW

OF THE

Contents of the Report of the Commonwealth Commissioners on  
Sites for the Seat of Government of the Commonwealth

(WITH ANNEXURES),

BY

ALEXR. OLIVER,

*President of the Land Appeal Court, and State Commissioner to  
inquire into and inspect Sites for the Seat of Government  
of the Commonwealth, &c.*

## MEMORANDUM

By way of a Short Review of the contents of the Report of the Commonwealth Commissioners on Sites for the Seat of Government of the Commonwealth.

1. In the first place, it will be well to note the difference, both in form and matter, between the Commission issued to these Commissioners and that issued to the Commissioner for this State. The two Commissions compared.

Under the former instrument, the Commissioners were appointed "to inquire into and examine *the Sites proposed* for the Seat of Government of the Commonwealth in the following localities, namely:—Albury, Armidale, Bombala, Lake George, Orange (including Bathurst and Lyndhurst), and Tumut; and to report upon each of the Sites in relation to the following matters, namely:—

- " 1. Accessibility from the various Capital Cities (distances to be quoted)—
  - (a) Direct.
  - (b) By existing means of communication.
 Position with regard to ultimate settlement of Australia.
- " 2. Means of Communication—
  - (a) Present.
  - (b) Prospective.
 Estimated cost to be quoted.
- " 3. Climate—
  - (a) Elevation above sea-level.
  - (b) Rainfall (amount and how distributed through the year).
  - (c) Temperature (mean for each month, as well as maximum and minimum).
  - (d) Frequency of fog, mist, snow, and hot or cold winds.
- " 4. Topography—
  - (a) Prominent natural features of Site and neighbourhood.
  - (b) Scenery in the neighbourhood.
- " 5. Water Supply—
  - (a) Natural sources of supply (river, spring, rainfall).
  - (b) Extent of watershed, and freedom from contaminating possibilities.
  - (c) Capacity for conservation and retention.
  - (d) Purity.
  - (e) Engineering difficulties (gravitation or pumping).
  - (f) Cost.
- " 6. Drainage—
  - (a) Engineering difficulties (gravitation or pumping).
  - (b) Base or difficulty of driving underground channels.
  - (c) Disposal of discharge.
- " 7. Soil—
  - (a) Nature.
  - (b) Productiveness.
  - (c) Quality of neighbouring country.
- " 8. Building Materials—
  - (a) Accessible deposits of basalt, limestone and marble granite, freestone, slate, trachyte, brick, clay.
  - (b) Timber of commercial value.
- " 9. Fuel—
  - (a) Timber for firing.
  - (b) Extent and accessibility of available coal deposits.
- " 10. General Suitability of Site—
  - (a) Picturesqueness.
  - (b) Aspect.
  - (c) Levels.
  - (d) Suitability for arboreal and general horticultural growth.
  - (e) Foundations of buildings.
- " 11. Cost of *resumption of Site and area*, and Crown lands available.
- " 12. General—*Any other matters considered material to a settlement of the question.*"

Under the latter instrument, the State Commissioner was appointed "to make full inquiry as to the suitability for the Seat of Government of such tracts or areas as he might be invited to consider; to inspect all or any of such Sites as he might think

“ think fit; and, after public inquiries conducted in open Court by him, and the taking  
 “ of evidence thereat touching the premises, to certify such evidence, or so much  
 “ thereof as he might think relevant to the inquiry, under his hand, and report to us  
 “ (the State Governor) the conclusions he shall have arrived at as the result of such  
 “ inquiries and inspections, &c.”

Inspection  
and con-  
clusions by  
State Com-  
missioner.

2. The Commonwealth Commissioners, it will at once be seen by comparing these instruments, were required to act under a special and limited Commission. The State Commissioner was in a different position. He had to inspect and report on any Site submitted to him, and he was empowered to draw conclusions, which he did by recommending three named Sites as suitable—Canoblas or Orange, Yass, and Bombala—Eden,—and the choice of any one of these three Sites was offered by Sir John See, on behalf of his Government, to the Federal Government, together with any other for which that Government might express a preference.

Shifting of  
Sites by the  
Common-  
wealth Com-  
missioners  
without  
warrant

3. The Commonwealth Commissioners being then in express terms tied down to Sites that had been proposed in eight named localities (a ninth has just been added in Dalgety, or Buckley's Crossing), of their own motion and without warrant, shift the proposed Sites in the case of Albury, Armidale, Bathurst, and Tumut. The alternative Site at Orange was suggested to me by the Orange League when taking further evidence in that city. The result of this shifting of Sites—what the object was it would not be right, perhaps, to surmise—renders effective comparison with my Report on those Sites, issued or to be issued, out of the question. Let Albury and Tumut be taken as instances. Albury, in my Report, meant Albury as described, both in respect of territorial area and City Site, by the Albury Committee. With the Commissioners, Albury is Table Top (a station about 9 or 10 miles north of the city on the trunk railway), for certain purposes, but for others, such as soil, building material, and other features, Table Top is a convertible term with Albury. Similarly in regard to Tumut. The Tumut Site examined and reported on by me was Gadara, in the valley of the Gilmore. The Commissioners' Tumut is Lac-ma-Lac, some 10 miles away, situate in the basin of a different tributary of the Tumut River—the Goobarragandra.

Reasons for  
rejecting  
Albury by  
State Com-  
missioner.

4. At page 17, paragraph 70, of my Report, after describing the Site of Albury as submitted to me, I added these words: “ In the matter of accessibility, Albury is  
 “ about twice as far from Sydney as from Melbourne, and is on the bank of the  
 “ boundary river between the two States of Victoria and New South Wales. With  
 “ the commercial consummation of Federation, Albury, and the Federal Capital of the  
 “ Commonwealth, if located there, must be dominated by the nearer State and its  
 “ metropolis for all commercial purposes, for trade will then necessarily be governed  
 “ by the conditions of cheaper and shorter access to the best market. If there had  
 “ been no such compromise of the rival claims of New South Wales and Victoria as  
 “ is contained in the 125th section of the Commonwealth Act, the last objection  
 “ could not, I think, have been fairly raised against the aspirations of Albury, but in  
 “ view of that section, which declares that the seat of Government shall be in the  
 “ State of New South Wales, but distant not less than 100 miles from Sydney, it would  
 “ hardly be reasonable to comply with the 100 miles limit in a way that might result  
 “ in a Site being accepted which, while technically and topographically within New  
 “ South Wales, and so complying with the literal requirements of the section, would  
 “ be within the commercial sphere of influence of a Border State to such a degree  
 “ as to make the statutory direction as to location in effect almost nugatory.”

Those reasons  
not altered  
by alteration  
of Site.

5. I would ask whether this objection, which compelled me to reject Albury from the list of suitable Sites, has been removed or even mitigated by the shifting of Albury a few miles north to Table Top, and the gain thereby of some 250 feet of elevation? A certain kind of picturesqueness in the new Site may well be admitted; but when the people of Table Top discover that these Commissioners have given their Site a First Class under the head “ Accessibility ”—the only First given,—can they be expected to repress a smile, knowing, as they must, that the railway journey to Sydney occupies eleven hours; to Melbourne, six. We are, perhaps, therefore driven to the conclusion that the word “ Accessibility ” had a very special meaning when used by the Commissioners in relation to Albury. Their Commission directs them to report on this heading, “ Accessibility,” as “ *from the various Capital Cities.* ” They seem to have interpreted that word, *centrifugally* in respect of Sydney, *centripetally*, in respect of Melbourne. In that way, Albury—*i.e.*, Table Top—might perhaps defend the high position accorded to it in their Report. This subject however can be better dealt with later on when the headings “ Accessibility ” and “ Means of Communication ” are reached.



6. Then take the item numbered 11 in the Commission ("Cost of Resumption of Site and Area and Crown Lands available.") In my Report an attempt was made to give the approximate cost of resumption of Territories in every case, and of municipal areas within them. These Commissioners think they have done enough when they give the cost of resuming the 4,000 acres which they consider sufficient for the building site of the City, also the cost of resuming catchment areas; and in the case of Albury, where they say it is impracticable to resume the catchment area (the basin of the Upper Murray), nevertheless, a second place is put down for this Site under the head "Catchment area," because "the cost of the works necessary to ensure the purity of the water is an offset to the saving on catchment"; that is to say, if any meaning can be extracted from this oracular sentence, when there is an absolutely unknown and unknowable quantity (no attempt having been made to ascertain cost of filtration works), an equivalent value is discovered in something quite foreign. This method of equivalent values, however, has not been applied to other Sites where filtration has been found necessary.

The unauthorised limitation of "Cost of Resumption."

7. From these instances, it will be at once seen that in respect of several headings, it will be quite impossible to institute a comparison between the results arrived at by the State and the Commonwealth Commission.

Result.

8. But from another point of view—and a very important one—the instrument issued to these Commissioners and their Report strikingly suggest the reassertion of a claim that has so often been preferred and so often exploded—that it is for the Commonwealth alone to select the Federal Territory as well as the Site of the Seat of Government, and to do so independently of any action of the State Parliament of New South Wales by way of offer of either Site or Territory. As this question has an important bearing on the determination of the Seat of Government, it may be permissible to reprint a letter addressed by me at his request to the Attorney-General of this State—*See* annexure A.

Reassertion of exploded claim.

That the framers of the Commission thought the opportunity suitable to reassert the claim is shown by the list of Sites for inspection and report, several of which the State Government never thought of offering to the Commonwealth.

9. And not only does the Commission take this right for granted, but it seems to have descended on a single Minister, who, without issuing a Supplementary Commission, directs the Commissioners, after they had issued their Report, to go forth again, and report on Dalgety; and they do so.

Ministerial instructions. Supplementary Commission.

But any inquiry into the suitability of a Site for the Seat of Government should follow, not precede, the determination of the Federal Territory embracing that site; hence it would seem that there was no power, either in the Federal Government or the Federal Parliament, to authorise the tour of these four experts, and their Report, therefore, might be treated as without legal authority. But I do not press this technical objection, preferring to treat the Report under consideration on its merits—such as they are.

In the *Hansard* of 20th July, 1901, the Prime Minister is thus reported:—  
 "Honorable Members will see from the way I have dealt with this matter that there is no pre-judgment as to Sites on the part of the Government. This Territory is, no doubt, to be ultimately selected by the Federal Parliament from such land as shall be offered to it by New South Wales. I think the Constitution itself contemplates that the offer shall be made under any circumstances by New South Wales, and any action beyond the acceptance of one of the offers made is not intended to be undertaken by the Commonwealth, except as a last resource. That I feel secure about. But I do not think we need fear great difficulties on that point, when we consider how ready that State has been, so they can see that the Government of New South Wales is willing to offer further areas beyond those mentioned in the Commissioner's Report. It has asked our opinion upon that subject, and we have replied that we think it is for New South Wales to make the offers in the first instance, and that we shall be ready to receive any such offers. That is in the first instance, of course, because the Constitution must not only be consulted, but it is a matter of tact and good policy to consult the wishes and feelings of the State which is most concerned. That does not, of course, prevent any last resource there may be under the Constitution; but I hope the day for that is far distant, and that we shall never have any resort to it at all."

Extract from speech by the Prime Minister.

Reservation  
by State  
Government.

10. Very extensive reservations from sale and lease were made by the Government of this State at the request of the Federal Government, and for a long time large areas of Crown lands within, or adjacent to, the various Territorial areas offered to that Government were tied up, awaiting its choice. But that choice has never been made; for the Prime Minister's declaration of the true Constitutional aspect of the matter seems to have been forgotten by those who subsequently became responsible for the issue of this Commission.

Commis-  
sioners'  
explanation  
of action  
under head  
"Cost of  
Resumption."

11. At page 9 of their Report, under the heading "Cost of Resumption," the Commissioners offer an explanation (or is it not rather an excuse?) for the limitation of their inquiries on this most important subject of resumption. It is in these ambiguous words:—

"For the purposes of this Report, it is only necessary to consider cost of resumption of (1) Proposed City Sites, and (2) Catchment areas for Water Supply, in order to frame estimates on which a fair comparison of the different Sites from the point of view of cost may be based. In preparing this Report, it has been constantly borne in mind that its methods should differ entirely from those which will govern when the Parliament has chosen the Federal Territory, and one Site only has to be considered. In a word, the methods of the present Report are relative, not absolute. Consequently, there is no attempt to discuss any of the difficult questions connected with interpretation of Constitutional Provisions relating to territory, &c.," and so forth. Beyond the assurance that the methods of the Commissioners are *relative* and not *absolute*, whatever bearing that fact may have on the range of their inquiries, the quoted sentence seems to afford no acceptable explanation of this most disappointing contraction of their field of action, especially as the eleventh and twelfth heads of the Commission gave them all the authority they needed, to inform the Federal Parliament on a subject in which it was known to take a very keen interest. This narrowing of their inquiry and evasion of responsibility are hardly in keeping with the brave flourish contained in that preliminary overture, where, after announcing the vivid sense they feel "of the momentous importance of the task to which they have been called," they point out that "the responsibility of making the fateful choice which will fix for ever the Site of the Nation's Capital rests, of course, with the Parliament; but your Commissioners feel that, in so far as their inquiries and Report may assist in guiding that great choice, their task is one of no little dignity and gravity."

The form of the Commission must, of course, bear most of the blame for this omission on the part of the Commissioners, for its language is ambiguous and rather suggestive of a catalogue, hastily and artlessly put together, and without consulting the Federal Capital experts, whose scientific knowledge was to be an all-sufficient remedy for the deficiencies in the State Commissioner's Report. He, however, had the temerity to regard this matter of Territorial Resumption as one that fell within the scope of his Commission. Therefore, he reported at some length on it, and collected all the available information in his power as to approximate values within territorial areas. And it may be worth while here to reprint two paragraphs from his Report:—

Importance  
of a  
sufficiently  
large  
territorial  
area.

12. "The question of offering a much larger area to the Commonwealth than 100 square miles might be expected to turn upon the mutual benefit or loss that such a transaction might be expected to entail. To the Commonwealth, or Partnership of Australian States, the acquisition of a territory very much larger than the minimum area will, I am convinced, prove of inestimable benefit. As landlord, the Commonwealth will be able, either to sell choice blocks and frontages within the Federal City area at more pounds sterling per foot than they cost per acre; or, if perpetual ground leasing be preferred, to dispose of them so as to assure a splendid annual income to the Commonwealth which created the enhanced values; while land suitable for suburban residences and for agriculture, mixed farming, agistment of stock, or other industries, should command prices, whether on sale or lease, that must return, at the very lowest estimate, from 50 to 200 per cent. on the original outlay."

The creators  
of the  
betterment  
should secure  
the profits.

13. "No doubt a similar result, though, on a much reduced scale, would follow, even if the Federal Territory were limited to 100 square miles; but it is difficult to believe that the area of enhanced value will not, in less than half a generation, cover a much larger tract than 100 square miles. Therefore, the potential

“ potential area of enhanced value, or betterment, should be secured for Federal  
 “ uses; and, as a business transaction, the larger that area is (within reasonable  
 “ limits) the better for the Commonwealth. If a sufficient area be not so secured,  
 “ whether resumption follows immediately or is deferred, it is clear that others than  
 “ the creators of the betterment will gain by it, and be the reapers of what they have  
 “ not sown.”

Although these paragraphs were written some months before the establishment of the Commonwealth, both its financial position and prospects, as well as the trend of instructed public opinion since the establishment of the Commonwealth, all point to the necessity of acquiring a Federal Territory on a scale commensurate with the national need for husbanding and developing its resources.

If the paragraphs cited above contained the germ of a sound economic theory two years ago, the experience of those years, and the lessons they have taught, go a long way to show that no other method of deriving an adequate income for the purpose of recouping its expenditure upon the Seat of Government offers such an encouraging prospect to the Commonwealth as this.\*

What have the Commonwealth Commissioners contributed towards the information of their Parliament? They have, in every case, assumed a conventional area of 4,000 acres as sufficient for the City Site; and have estimated the cost of resumption of the Sites examined by them at sums varying from £20,000 to £57,000; and of the catchment areas to be resumed at sums varying from £180 for Tumut, up to £160,160 for Lyndhurst, and £141,750 for Orange. And with this meagre instalment of resumption values the Federal Parliament must, it seems, be satisfied.

14. At page 25 of my Report (“ Summary of Conclusions ”), after admitting that either Canoblas (Orange), Yass, or Southern Monaro (Bombala-Eden) would be suitable Sites for the establishment of the Seat of Government of the Commonwealth, I added: “ If the final selection is to be governed mainly by consideration of cost of acquisition, and present accessibility as between New South Wales and Victoria, Yass would be entitled to first place; but the resources of that Site for an effective water supply for a large population are not as satisfactory as could be desired.

Quotation from “ Summary of Conclusions ” by State Commissioners.

“ If the quality of the soil and the character of the climate are accepted as the controlling factors, Orange (or Canoblas) would be entitled to first place; but the cost of resuming land within this area will be very heavy, and the water supply from the Canoblas catchment is not very promising for a large population. This Site has the additional drawback of not being, in respect of accessibility, a fair compromise as between Sydney and Melbourne. “ If

\* Although the difficulties of interpretation besetting the 125th section of the Constitution are sufficiently bewildering, it seems tolerably clear, and at least reasonable, that the provisions of our State Constitution contained (sec. 2 of 18 and 19 Vict., cap. 54), and of section 1 of the Act in the Schedule, have not been repealed or affected so as to limit the powers of the Parliament of New South Wales prior to any surrender of territory by that State to the Commonwealth pursuant to section 111 of the Federal Constitution, which declares that “ the Parliament of a State may surrender any part of the State to the Commonwealth, and that upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.” And that this must be so seems to be put out of question by a previous section—107—which declares that every power of the Parliament of a Colony which has become or becomes a State shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth, or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

After acquisition by the Commonwealth of territory in terms of section 125 for the purpose of establishing therein the Seat of Government of the Commonwealth, there will be no difficulty in reaching the reasonable conclusion that the jurisdiction of our Parliament will disappear in respect of the area so acquired, which will, in fact, have ceased to be part of the territory of New South Wales. This result follows also from the express provision made by the Constitution.

But what are the powers of our Parliament antecedent to such acquisition of territory by the Commonwealth, which, it would appear, remain unimpaired? Section 2 of our Constitution Act vests in the Legislature of New South Wales no “ proprietary ” right to its waste lands, but only the “ entire management and control ” of them, the appropriation of the gross proceeds of sales of such lands, and other proceeds and revenues of the same from whatever source arising. The property in such lands, as also the “ ultimate ” ownership of all other land within the State, remains in the Sovereign, as indeed, even on cession or transfer of territory within the State to the Commonwealth, the prerogative ownership of the Sovereign will remain untouched. So there is no analogy between any one State in Australia and any other State, or between any one such State and the Commonwealth, as exists, *inter se*, in the case of States of the American Union and Congress. We all remain, notwithstanding the establishment of the Commonwealth or the Constitution, possessions of His Majesty; and the power of our Parliament in regard to waste lands of the State is as quoted, and the general legislative power granted by section 1 of the scheduled Act extends no further than “ to make laws for the peace, welfare, and good government ” of New South Wales.

These legislative powers are all that we could transfer to the Commonwealth by an act of cession, and are, therefore, all that the Commonwealth could appropriate by compulsory expropriation of any part of our territory. It could only take what our Parliament has to give. But however New South Wales territory may be acquired, so much as does not consist of Crown lands, the subject of gratuitous grant under section 125, must be acquired on “ just terms,” in accordance with the general rule laid down by section 51 (xxxii) of the Commonwealth Act. And it is a reasonable conclusion, from the considerations here advanced, and the principle in section 51, that the compensation for loss of territory other than “ Crown lands,” would be in the first place limited to the loss incurred by the State,—*e.g.*, in such matters as the unpaid balances due on conditional purchases,—and that payments on the footing of such compensation might, and no doubt would, be spread over a long term of years. Private landowners, if dispossessed, would, of course, be equally entitled to compensation for deprivation of their estates or interests, but, until dispossessed, would be well satisfied to hold under their new landlord on terms similar to those previously existing, and they would, like other tenants in a similar position, attorn to

"If the Federal Territory is, within reasonable limits, to be selected independently of cost and of present accessibility, Southern Monaro combines more distinctly appropriate features than either Canoblas or Yass.

"On their own merits, apart from the considerations indicated above, and having regard to the future rather than the initial requirements of the Commonwealth, Southern Monaro is entitled to the first place, and Canoblas and Yass may be bracketed as about equally suitable."

Conclusions of  
1900. Con-  
clusion of  
1903.

15. In 1900, the year of my Report, these were *conclusions*; in 1903, they are *convictions*. Yass had the misfortune to be dropped out of the List of Sites adopted by the Federal Parliament, and it was, therefore, dropped out of the Sites specified in the Commission. Southern Monaro and Canoblas, however, remained for the application of the methods which the Commissioners have taken such pains and so many pages to explain.

The Commis-  
sioners'  
"methods."

16. And to those who were not prepared for the peremptory deposition of these remaining Sites from the places which, not surely without cause stated, I assigned to them, the Commissioners' methods must appear to be very destructive. Many persons, advocates of or interested in the Southern Monaro Site, were so prepared—myself among the number, and in genuine sorrow am I compelled to state so much; but when I was assured that the inspecting Commissioners arrived in Eden on the 5th February of this year, took no evidence whatever while there in connection with Twofold Bay as a Federal harbour associated with Southern Monaro, and almost its principal feature, and, although care was taken to load this site with a railway to this harbour at a cost of £931,000; that, while the Chairman of the Commission was nursing an attack of illness on the verandah of the Commercial Hotel, on the following morning his colleagues spent some twenty minutes or so in the inspection of East Boyd, and a short walk to the Look-out; and that, soon after breakfast, the whole party left for Bombala, *via* Wyndham,—I then knew enough to confirm suspicions aroused by a train of previous rumours which it certainly would not become me to further advert to. The edict had gone forth that Twofold Bay was to be snuffed out on sight; the harbour end of the Southern Monaro Site wiped out at leisure. My inspection of Twofold Bay, must have occupied, altogether, three weeks at least; the Federal Capital experts used up twenty minutes. What can account for so much time devoted by a State, and so little by a Federal, Commission to the same place? Perhaps the *genius loci* of some rival Site had whispered to the experts,—“Don't give yourselves away over Twofold Bay!” They did not; either over the harbour or the City Site beyond the Coast Range. Perhaps they did right to dissemble their love; but why did they kick her down-stairs?

There was a signal flying, too, all the time under head XII of the Commission, which directed the experts to report upon “any other matters considered material to a settlement of the question.” To this they directed their telescope, like Nelson, blind-eye-wise.

And

that new landlord. From this it will at once be manifest that the “Bush-Capital bogey” of cost of resumption will not be required to frighten those who are still content with the 125th section compromise, and are determined to abide by it. The bogey has done its duty, and may now be put back in the loft devoted to exhausted scarecrows. Of course, the cost of resumption must be largely influenced in any case by the accepted meaning of the term “Crown lands” in the section just mentioned; and here I cannot refrain from quoting at length from a letter received by me from one of the most distinguished constitutional lawyers in Australia.

He writes:—“The Commonwealth Act is an Act of the Imperial Parliament which is to have effect and operation in all the States forming the Commonwealth; and where the provisions apply generally, if the technical meaning of words differed in the various States, the language would be taken in its popular sense. (See *Saltoun v. Advocate-General*, 3 Macq., 659, and *Macfarlane v. Lord Advocate* (1894), A.C., 307.)

In the section under consideration this rule cannot apply, for its operation is clearly limited to the State of New South Wales.

In this State, the words “Crown lands” have for years obtained a very limited and definite technical meaning; they have, indeed, become a term of Act, and it is hard to believe that the Legislature would use words to have operation in only one State of the Commonwealth in a sense other than that given to them by law for a great number of years.

The Seat of Government is to be within territory which shall have been granted to or acquired by the Commonwealth.

Two methods of obtaining the territory are pointed out—

- (1) Acquisition by the Commonwealth. This must be upon “just terms,” whether the property belongs to a State or to an individual. (51, xxxi.)
- (2) By grant. Under this method two points are to be noticed—
  - (a) This is the method by which Crown lands are to be transferred to the Commonwealth.
  - (b) As no power to “grant” land is given by the Act, the powers existing at the passing of the Act are all that can be used for that purpose.

It appears to me that, at the time of the passing of the Act, the Crown had no power to issue a grant of any land in which any person had a statutory right to a grant, either immediately or upon performance of certain conditions, except to such person. Now, as Crown lands, have to be “granted,” the meaning of Crown lands must be those lands which the State has power to grant.

I have, therefore, come to the conclusion that the term “Crown lands,” in section 125, is limited to the meaning of the words as known to the law in New South Wales, and embodied in the various Land Acts.

The rights of the State in all other lands within the area selected for the Federal Capital must be acquired, and such acquisition must be on just terms.

And so the summary-table on page 71 gives Bombala 4, Seventh Classes under Topography and General Suitability, Climate, Building Materials and Cost of Building, and Accessibility; a Fifth Class for soil, and a like class for resumption of Catchment Area; a Fourth for Water Supply (Table B), and a Second for Cost of Resumption of Site. This means that Bombala takes last place among all the Sites instead of first. It also means that either the professional Commission, or the non-professional one, myself, must be the blindest of blind guides,—the one for the Government of his State, the other for the Federal Parliament,—or have fallen under the baneful influence of bias or caprice.

17. The first subject in which Bombala is awarded a Seventh Class, the lowest given to any other Site, is "Topography," which must be taken to mean generally the description of country; and "General Suitability," according to the Commission, includes such a curious mixture of subjects as "picturesqueness, aspect, levels, suitability for arboreal and general horticultural growth, and foundation for buildings"—a sort of general line for artist, surveyor, horticulturist, and architect to take a hand in. In all these matters, Bombala is reported at the bottom of the class. Even Lake George, with its horizon of salt ooze and its cheerless aspect (if Currandooley Mansion be left out), is given a higher class, and, needless to add, every other Site in the list. What will Monaro men, or even the veriest casuals who have seen the slopes of Mahratta, Aston, and the breezy uplands between Cambalong and Lord's Hill, say to this? I, who am not a Monaro man, but one who knows this locality well, am simply lost in amazement at the incredible eccentricity of the taste and judgment disclosed by this topographical award.\* Before them lay spacious rolling basaltic downs, the Snowy Mountains on the west, the Bondi Ranges eastward, and Delegate Hill away to the south, and yet these gentlemen found it possible—for had not their leader said it must be done?—to condemn this Site to the lowest position.

Bombala—  
Topography.

18. Under the second head—"Climate"—Bombala fares no better. Again a Seventh Class; again the lowest given to any other Site. But what do the records of temperature, said to have been obtained from the Government Astronomer, show with regard to the most influential factor in determining Climate? During the four hottest months, the mean maximum is 78·7, and for the four coldest 32·7, mean normal shade temperature 54·3. Now turn to Tumut. The corresponding readings for that Site (which, however, has only a private observer) are 85·7 and 41·2, with a mean of 61·9. Tumut, it will be remembered, wins first place for climate; so that a difference of some 7 degrees of the thermometer between Bombala and Tumut, instead of indicating a more bracing and invigorating climate for the higher site, as most sane people whose health has not been permanently undermined by a moist tropical heat would suppose, indicates for these "climatologists" the very reverse.

Climate.

The valley of the Tumut is well-known as a district where not only maize but tobacco flourishes under the semi-tropical conditions necessary for these crops. The cultivation of tobacco, however, has of late years ceased to a large extent, as the leaf that has become fashionable is an aromatic product which the river flats of Tumut seem at present unfit to grow. Tumut maize, however, is still well-known in the Sydney market, where it is said to command a higher price per bushel than North Coast or any other kind. The Tumut climate, whatever else can be said for or against it, is a maize climate.

19. Those who have been commissioned to find for the Seat of Government of the Commonwealth a climate as suitable as the conditions of New South Wales permit, have not been sent out to discover a climate fit for Fuegians or a Black Republic, but one to which not only will the constitutions of Australians of British descent readily accommodate themselves, but by which their physique will be improved, their general health, if impaired, be re-established, and their faculties and energies raised to a higher pitch of usefulness. Where the oak and elm grow slowly but vigorously, there is better chance of finding such a climate as here described than where a man sees his maize patch topping the fence, in early summer, and he himself feels warmly clad in shirt-sleeves. Altitude means many frosts during the year, as its converse means steaming days and nights, and no statistics can alter these results. All the Australian States in the Union are—this should never be forgotten—maritime States, with their capital cities on their seaboard, and never  
more

The best  
climate for  
the Seat of  
Government.

\* It may save inquisitive people the trouble of asking questions if I state here that I do not possess an inch of ground in Monaro or Eden, or a farthing's worth of interest in land or stock in either place.

more than a few miles from the Pacific. Their inhabitants, therefore, dwell, of necessity, to a very large extent within a sphere of enervation, the reaction of which on the system is mainly accountable for the large and regular exodus of their people to such health resorts as New Zealand and Tasmania can supply. Our own uplands, whether at Orange, Southern Monaro, or other plateaux with altitudes of over 2,000 feet above sea-level, can do better for us than either of these islands, but we must look elsewhere than on the river flats of comparatively low-lying districts, and we must not forget that the Commonwealth authorities can always be merciful, even to the shivering Queenslander, if there be such an one in the Federal Parliament, by appointing their congress for the summer months, after which, with health restored written on every line of his face, he will be returned to his family and his vocation, blessing the bracing climate of the Seat of Government.\*

The determining factors of a climate.

20. The factors that go to the determination of a climate, are altitude above sea-level, temperature, position with reference to cool sea breezes, or bleak cutting winds from snow fields or high mountain ranges. What the evidence before the Commissioners under each of these heads, apart from the official records of temperature, may have been, we have nothing to show, but those who have had long personal experience of the various climates brought into comparison by this report will not easily be convinced that Orange is worse off for a climate than Lake George, Bathurst, or Lyndhurst; that Bombala should figure out worst of all; that Albury has a better climate than Armidale, and that Bathurst and Lake George should be bracketed as on a par with one another. In the annexed table some interesting temperature results have been collected. They are well worth consideration in connection with the Commissioners' summary:—

TABLE showing Mean Annual Shade Temperatures, also Maximum and Minimum Readings.

<i>Albury</i>	...	...	...	Mean annual shade temp., 61·3°. (Report gives 60·7°.) Highest temp. F., 117·3°. Lowest temp. F., 20·2°.
<i>Armidale</i>	...	...	...	Mean annual shade temp., 57·4°. (Report gives 56·6°.) Highest temp., 105·2° F. Lowest temp., 13·9°.
<i>Bathurst</i>	...	...	...	Mean annual shade temp., 57·6°. Highest temp., 112·5° F. Lowest temp., 13°.
<i>Bombala</i>	...	...	...	Mean annual shade temp., 54·3° F. Highest temp., 104·1°. Lowest temp., 15·5°.
<i>Dalgety</i>	...	...	...	(No official records available.)
<i>Lake George</i>	...	...	...	Mean annual shade temp., 57·8° F. Highest temp., 105°. Lowest temp., 21·8°.
<i>Lyndhurst</i>	...	...	...	Mean annual shade temp., 52·2° F. Highest temp., 98·4° F. Lowest temp., 15·4° F.
<i>Orange</i>	...	...	...	Mean annual shade temp., 54·9° F. Highest temp., 102°. Lowest temp., 21·3°.
<i>Tumut</i>	...	...	...	Mean annual shade temp., 62°. Highest temp., 106°. Lowest temp., 27°.

21.

\* "In hot climates, where the temperature of the air approaches or even exceeds at times the temperature of the blood, there is little call made upon the heat-producing powers of the body. Consequently, metabolism is decreasing; the urea of the urine and the respiratory carbonic acid are lessened in amount, as less food is required; the digestive and assimilative powers are lessened; and oxygenation of the blood is diminished, because the number of respirations is decreased, and the heated air contains less oxygen in a cubic foot than cold air. At the same time, great heat, although compatible with health, is enervating; for the perfection of bodily activity can only be obtained when tissue changes are rapid. In hot climates the skin is extremely active, and the secretion of sweat enormously increased. This means great evaporation from the surface and cooling of the blood, with the result that the body temperature is maintained at its normal level.

The effects of cold are exactly the reverse to those of heat. To maintain the temperature of the body, tissue metamorphosis must be rapid; food, and especially carbonaceous food, must be taken in large quantities; oxygenation of the blood and elimination of CO<sub>2</sub> are increased; the skin functions are reduced to a minimum, while the excretion of urine increases, and but little blood reaching the surface, surface cooling is obviated; whilst the rapid tissue changes permit of great bodily and mental activity being shown."—(Hygiene and Public Health, by Parkes and Kenwood, London, 1901).

21. Climate belongs, say the Commissioners on page 67, to that class of subjects not reducible to numerical values, but *influenced by personal equation*. There can be no question of its influence on our expert climatologists when such results as those described in previous paragraphs, and set forth in tabular form on page 71 of their report, are announced. The local water at one Site affects the leader of the expedition, at another one of his colleagues has a fit of coughing or feels a twinge of rheumatism, and another complains of loss of appetite or sleeplessness. And so a subject which is not reducible to a "numerical value" is peremptorily settled by the application of the "personal equation," not of the witnesses, but of the jury.

The personal equation in respect of climate.

22. In the course of my inspections nothing struck me as more remarkable than the unswerving loyalty of the witnesses to their climates. No matter what the day temperature might be, the nights were always cool, and if the districts rejoiced in a steady sequence of seasonable frosts, the inhabitants were all the better for them, like the soil under their feet. Snow never lay more than a few hours on the ground, and then only a few inches in depth. (This was sworn to by a witness in whose district I afterwards held an inquiry, and was obliged to reach the building where it was held by ploughing through at least 2 feet of snow.) Where such enclosures as cemeteries existed, I was assured that nine-tenths of the occupants had been "undesirables" who came to the township as a last resource. Medical men came, looked, and went away disheartened; or, if they stayed, became poultry farmers, or cultivated an orchard or a vineyard. An immense pumpkin chased me round several Sites. It was the silent witness for climate as well as soil, and not being liable to cross-examination did yeoman's service. Finally, there was the hale old man of past 80, and the cured consumptive, all bearing eloquent testimony to the matchless salubrity of their Site. The Promoters were nearly always able, by witnesses, to prove their case up to the hilt; but the trouble was that they all did the same, and the conviction at the close of every inquiry was that every Site had the best climate in the State. In these circumstances, I must admit that I sought the experience of clergymen, sheep-buyers, commercial travellers, Chairmen of Land Boards, coach-drivers, and others not likely to be biassed for or against. Although, in strictness, mere hearsay, it was, and is, the best corrective I know when applied to "pumpkin" evidence, or the *personal equation*.

Loyalty of local witnesses to their site in re climate.

23. The Commissioners have made short work of the heading "Soil" (No. 7 of the subjects enumerated in their Commission), by handing it over to the Director of Agriculture of this State, Mr. Campbell, who has pointed out that for three of the Western Sites the 50-mile radius will produce an overlap. This result is, of course, obvious, and will bring Lyndhurst and Orange into competition in respect of the large and fertile tract of volcanic country known as "The Forest." Of the nature of the various soils, however, I see no evidence, and no analyses. Under this head, Tumut naturally takes first place, and if "productiveness" be limited to certain crops which flourish on the river flats, the first place is not undeserved; but there are other crops which thrive far better at Orange, which gets no higher than a Third Class. No one who knows the Bathurst and Orange agricultural areas would dream of finding within 50 miles of Bathurst better soil—*i.e.*, soil more naturally fertile—than within a similar area round Orange. Bombala takes a Fifth Class (just to vary the monotony of Seventh Classes) in spite of the vast areas of rich volcanic soils which the traveller passes through after leaving Nimitybelle, on the Cooma-road, or of the same class of soils he meets with on the Bobundara-road, notably at Bungarby. But Monaro has no market for grain or root products. It is all a pastoral country, and people only grow what they want. Hence, the land most suitable for the plough remains untilled, except in a few spots; but the splendid basaltic soil is there, and only wants the plough and the market, and it is a stupid stigma that is placed on the productiveness of Monaro soils when the country is described as being generally wind-swept and frost-bitten.\*

Soil Productiveness.

Although this subject is of subordinate importance compared with Water Supply, Climate and Accessibility, still, inasmuch as it takes a place among the subjects named in the Commission, justice ought to have been done to it.

24. Building Materials and Cost of Building.—This subject forms the fourth heading in the Commissioners' Summary, at p. 71 of their Report, but their Commission does not specifically direct any inquiry either as to Building Materials

Building Materials and Cost of Building.

or

\* See Annexure E for the opinion of Mr. Maiden, Director of the Botanical Gardens, Sydney, who, strange to say, was not invited to give evidence on the subject of soils, or the suitability of sites from a horticultural point of view.

or Cost of Building; and, if it had done so, the information supplied is meagre and unintelligible. Albury, however, distant 376 miles from Sydney, and 201 from Melbourne, comes out second\*; Bombala, as might have been anticipated, seventh; for, of course, no account has been taken of the certainty of early railway communication from the sea coast if that Site were selected. On the whole, the information on pages 28 and 29 of my Report, vouched for by Messrs. Mansfield, Vernon, Barlow, and Knibbs, will probably be accepted in preference to the figures offered by the Commonwealth Commissioners; and it is curious, and not a little disappointing, that some of the subjects dealt with by those gentlemen do not seem to have attracted the attention of the Chairman of this Commission.

Water  
Supply.  
(Table B.)

25. *Water Supply.*—The order of merit under this most important heading, as assigned to the various Sites by the Commissioners is as follows:—

Tumut	...	...	...	...	...	1
Bathurst	}	...	...	...	...	2
Lake George						
Dalgety	}	...	...	...	...	3
Armidale						
Lyndhurst	...	...	...	...	...	4
Bombala	...	...	...	...	...	5
Albury	...	...	...	...	...	6
Orange	...	...	...	...	...	6

Although this arrangement may not do more than justice to the unquestionably excellent gravitation supply of Tumut, Lyndhurst has a better right to a third place than Armidale; Lake George ought not to have been bracketed with Dalgety or Bathurst; Bombala has been treated shamefully—her usual fortune; and Orange should certainly not occupy so low a position as No. 6.

Southern Monaro, with a catchment area of at least 3,600 square miles, is the basin of the Snowy River and its large number of tributaries. No district in the State of New South Wales can show the traveller so much visible water; although other districts have much higher rainfalls. Every few miles, whatever road he travels, he can see, in the driest seasons, streams that are always running on their way to join the Snowy River, or one of its principal affluents. The sources of this perennial and ample supply are the vast snow-fields lying on the ranges beginning about Kiandra and the Bogongs, and terminating at the headwaters of the Indi or Murray, and the Peaks of Kosciusko, the Ram's Head, and other lofty points.

The Snowy, for its size, discharges a far greater volume of water than any river in this Continent; but for the lower portion of its course it rushes to the sea in one long gorge, and in a depression more than a thousand feet below the average height of the Monaro table-land. Below Jindabyne, therefore, its value for gravitation may be neglected, while its value for the generation of electric power is incalculable; and the applicability of that power, procurable as it is from various points in the course of the river, both for pumping, electric lighting, and supplying traction for future trams, railways, and industrial purposes, marks Southern Monaro as the most richly endowed district, in respect of natural power, of any State of the Australian Union.

The valuable information supplied by Mr. Pridham, of the Public Works Department, under this heading, and the effective assistance given him by Mr. Graham Stewart, the South Australian representative Commissioner, have placed this subject on a pinnacle of importance, that throws almost all others into the shade. Mr. Pridham's paper will be found in Annexure B, and will be read with well-merited interest.

It

On this subject, the evidence of the Government Architect, Mr. W. L. Vernon, taken on 7th instant, is interesting. He says: "I do not agree with the results under 'Building Materials and Cost of Building,' p. 71. I find, on p. 69, a comparative table of estimated approximate building costs by taking Sydney as the datum. The first column is practically the experience we have had in the office for a large number of buildings in all these districts. With regard to the second, and particularly with regard to the third, I do not understand how the first town, Albury, is the cheapest or the least costly of the districts in which to build, taking Sydney as the datum. If one looks at the mileage rate for the carriage of material, and that must be a very important factor, the mileage must have an important effect, and Albury stands, as regards mileage, eighth. It is 376 miles from Sydney, as against Bathurst only 151, and it is very evident, therefore, that, particularly in the third and second columns, there must be some mistake. In Mr. Jones' second column, Albury is taken at 1.10 and Bathurst at 1.15. In Mr. Thompson's, Albury 1.08 and Bathurst 1.10. Now, in both those cases Albury is made the cheaper site for building than Bathurst, and yet there is a difference of 220 miles in favour of Bathurst. That, therefore, seems to point out that these calculations have been made from Melbourne, and not from Sydney. Now, Lake George, only 174 miles from Sydney, is placed fourth by Mr. Jones, while it is actually second as regards mileage. The Report places Lake George sixth, while, as a matter of fact, the mileage is second. Mileage places, in my judgment, Armidale and Albury about equal, but the Report places Armidale fourth and Albury second."



It will be remembered by those who are familiar with my Report and its annexures, that the officer of the Works Department who accompanied me in my visits to Federal Capital Sites reported very favourably on the water supply available by gravitation to Lord's Hill, on the Bombala Site, from the Delegate River. His aneroid measurements unfortunately misled both himself and the State Commissioner (myself), and his estimate of cost suffered in consequence; but the error caused by the instrument, or the then atmospheric conditions, was very soon after detected, and a further report made by an officer of the same Department satisfied me that water could not be led by gravitation from the old mill site on the Delegate River to the crest of Lord's Hill by gravitation, although it might perhaps to the 5-Mile Post. Mr. Pridham's Report, therefore, comes as a most acceptable contribution to the important question of Water Supply as affecting the Southern Monaro Site—Bombala-Eden.

According to that report, the Delegate River, though not available by gravitation for the site originally marked out at Lord's Hill, yet would be sufficient for a pumping scheme, the lift being a very moderate one of about 230 feet, for a population of 50,000. Further, Mr. Pridham stated in evidence at the inquiry held at the Public Works Department on the 7th instant that a better site for utilising the water supply than Lord's Hill could be obtained,\* and the same witness admitted that Bombala was entitled, in respect of water supply, to be placed immediately after Tumut; the class, however, assigned to Bombala by the Commissioners is no higher than a fourth.

It will be seen from Mr. Pridham's report that the Snowy River, at a distance of about 15 miles from the proposed city site at Lord's Hill, affords a supply obtainable by pumping equal to the requirements of a population of 500,000. But that is not all, for the same river, at a point near the junction of the McLaughlan, gives a fall of no less than 200 feet in  $3\frac{1}{4}$  miles, thus affording sufficient water-power, according to Mr. Pridham, not only for pumping all the water required and for electric lighting and tram traction, but also for operating the proposed railways from Cooma to Delegate and from Bombala to Eden by electricity, the transmission lines for the current being very much shorter than many now in use in the United States. The power thus obtainable from the Snowy River he estimates at 20,000 horse-power, and this Mr. Pridham distributes as follows:—

For electric lighting	...	...	...	...	600 h.p.
For pumping water supply from Delegate River	...	...	...	...	700 „
For electric trams	...	...	...	...	2,700 „
For operating trains, four each way, on two lines=16 trains per day, at, say, 1,000 horse-power each	...	...	...	...	16,000 „
Total, say	...	...	...	...	20,000 „

In addition to this 20,000 horse-power, at a fall of 300 feet lower down the same river, at about 30 miles from the city site, 68,000 additional horse-power could, if required, be obtained, and the same economical power could be used for the Gippsland railway extension from Orbost to the border, for the Snowy River is described by those who know the country it passes through as being almost one prolonged series of rapids until within a few miles of Orbost. At the time of my inquiry, this most munificent natural gift of power was not brought under my notice.

On this subject of the use of electricity generated by water-power, Mr. Henry Deane, the Engineer-in-Chief for Railway Construction, gave some valuable evidence on the date above mentioned. He says: "To show what has been done, and how this question of railways worked by electric power has developed of late years in America, I would like to refer to Colonel Yorke's report on a visit to America, which he undertook under instructions. He is the Chief Inspecting Officer of Railways for the Board of Trade in England. In this report, on page 14, he mentions, among branch railways, six railways, converted lines varying from 3 to 18 miles in length. They are worth noting, because they are actual conversions from steam to electricity, and it would seem to show that there must be some special advantage in the use of electricity

\* There are at least three localities south of Bombala which, in my opinion, would well repay examination, but have not yet been examined for a possible gravitation supply from the Delegate, also for other purposes in connection with a city building site.

electricity—now there are a number of much longer lines that are now worked, or have been arranged to work, by electricity at high speed. These are specially mentioned on page 15 of his Report :—

The Schenectady and Albany Railway.  
 The Buffalo and Lockport Electric Railway.  
 The Detroit and Port Huron Shore Railway.  
 The Aurora, Elgin, and Chicago Electric Railway.

“There are some others mentioned on page 39 :—

The Detroit and Pontiac Railway.  
 The Detroit and Rochester and Lake Orion Railway.  
 The Detroit and North-western Railway.  
 The Wyandotte and Detroit River Railway.  
 The Detroit and Port Huron Shore Line Railway.

“Detroit is about the centre of about 400 miles of high speed interurban lines.

“The feature, however, which is of greatest interest to Engineers is, that the entire operations of trains, through as well as local, is to be by electricity ; and it is stated that electric operation (of passenger trains) will be extended to Croton, on the Hudson River Division,  $34\frac{1}{2}$  miles from the Grand Central Station ; to White Plains, on the Harlem Division, 22 miles out ; and to an unstated distance on the New York, New Haven, and Hartford. This installation will be by far the largest use of electric power for steam railway service ever attempted” ; so electric traction on the railways is no longer in an experimental stage.\*

Accessibility.  
 Means of communication.

26. *Accessibility from the various Capital Cities—Means of Communication.*—

The Commissioners seem to have dealt with these two subjects (1 and 2, as specified in their Commission) as being more or less inseparable ; and, indeed, it is very difficult to report on the “accessibility” of any given Site without reference to the means of communication it possesses now, or may be expected to possess in the future, with the areas of densest population, where are the effective forces of attraction. The Commissioners have put some quite unnecessary puzzle problems to themselves to solve under this head, and, after more or less futile attempts to solve them, have come back to what they term the popular method. Their method, as described by them, is to accept Sydney and Melbourne as the points through one or other of which persons travelling to or from the Federal Capital would pass (they seem to have forgotten goods), and rate the different Sites in order of accessibility, according to their distance from the point on the Main Southern Line which is equidistant from the two cities. Although this method does not profess to take account of the density of population, yet, to a large extent, it gives effect to that force, and does so in a rather remarkable manner. Thus :—

*Albury*, distant 376 miles from Sydney, and 201 from Melbourne, is awarded a first place for accessibility.

*Lyndhurst*, distant 191 miles from Sydney, and 443 from Melbourne—a second place.

*Tumut*, distant 323 miles from Sydney, and 394 from Melbourne—a third place.

*Orange*, distant 192 miles from Sydney, and 482 from Melbourne—a fourth place.

*Lake George*, distant 174 miles from Sydney and 483 from Melbourne—a fifth place.

*Dalgety*, distant 296 miles from Sydney, and 605 from Melbourne—a sixth place.

*Bathurst*, distant 150 miles from Sydney, and 494 from Melbourne—also a sixth place.

*Bombala*, distant 324 miles from Sydney, and 633 from Melbourne—a seventh place.

*Armidale*, distant 365 miles from Sydney, and 942 from Melbourne—an eighth place.

When the results of the Commissioners’ method, and their classification of the Sites to which they have applied it, came out, as shown above, one might well ask what meaning they could have given to the subject of accessibility, and it would be

\* See, however, the instructive Report of Mr. Brain, Electrical Engineer, N.S.W. Railways and Tramways (Annexure B1), received as this Review was going to press.

be interesting to take some material used in building—*e.g.*, cement, now made at the Portland Works, near Wallerawang—and apportion the railway freight per ton on it. On this test, the freight from the works at Portland to Bathurst is 8s. 2d. per ton, but from Portland to Albury £2 4s. 2d. per ton, and from Sydney to Albury £2 10s. 1d. per ton. Similar disparities would be disclosed in the carriage of coal, iron, and other material from Sydney, Lithgow, and Melbourne to the various Sites reported on. So that not only in the case of passenger traffic, but in that of the commercially more important one of goods' traffic, it is manifest, from the figures of the Commissioners themselves, that there is no Site in New South Wales which, according to present means of communication to and from the two capital cities in question, offer a fairly equidistant choice of country. With this fact staring them in the face, these gentlemen have managed to ignore the singularly unique position occupied by the Bombala Site, which, in a direct line, is exactly the same distance from Sydney as from Melbourne (240 miles), and almost the same distance from Brisbane (689 miles) as from Adelaide (609 miles). Neither do they place any value on the additional fact that the distance of Bombala from Sydney by rail, when the Cooma extension has been completed, *viz.*, 324 miles, will only be 36 miles longer than the distance from Melbourne when the Bairnsdale railway is extended to Orbost and the New South Wales Border. One would have thought that the tremendous advantage over any other Site which prospective railway extension has assured to the Bombala Site, to say nothing of the exceptional and inestimable advantages offered by a Federal port like Twofold Bay, would have had some influence on the least appreciative of minds and the dullest of imaginations; but our Commissioners have set their faces so resolutely against Southern Monaro that not even the Site discovered by their No. 2 method, 4 miles south of Junee Junction, or that found by No. 3 method, 15 miles north of Carathool, on the Junee-Hay railway, or that indicated by No. 4 method, 4 miles north of Culcairn, or, lastly, that Will'-o-the-Wisp Site, depending on the "ultimate settlement of Australia," could have fared worse. And so it comes to pass, to the reader's utter bewilderment, that the only Site which could promise, in the early future, and not as the fantastic dream of some puzzle-headed "crank," a genuine realisation of equidistance on land, and a near approach to equidistance by sea, is kicked into a seventh place by a body of "Experts," who, at least, were expected to adopt methods which would work for justice, if they did not for light or guidance.

27. On page 71 of their Report, the Commissioners gather together, in the form of a Summary, the results of their labours under eight heads:—

The Commissioners' Summary.

Topography and General Suitability.

Climate.

Soil, Productiveness.

Building Materials, and Cost of Building.

Water Supply (Table B).

Accessibility.

Cost of Resumption of—

(1) Site.

(2) Catchment Area.

And to this Summary they append the following incongruous explanation:—  
 "No attempt has been made to determine the absolute order of merit of the Sites. This could only be done by assigning values to the respective headings, and this, as we understand it, is outside the scope of the Commission." But on the face of it the Summary is a classification of the Sites in order of merit under each of the above specified headings, and that Site which wins most first or other high classes is manifestly intended to occupy a corresponding position in the Class List. Of course, nothing more incomplete and misleading could have been invented. It is a hybrid kind of award by points, devoid of any valuation of such points, without authority, for obviously it has no warrant in the Commission, and, although not pretending to formally announce "conclusions"

“conclusions” from the evidence, does so in reality by a side-wind. Unfortunately, many readers, who have no better acquaintance with the perspective value of these eight headings than the Commissioners themselves, will be only too ready to take these “conclusions,” that are not conclusions, at their face value, forgetting at the moment that “Water Supply” may fairly claim to be many times more important than “Cost of Resumption of Site” or of “Catchment Area” or “Productiveness of Soil”; and that “Accessibility” and “Climate” are more in the nature of essentials than “Topography of General Suitability.” This table however, is one of the methods of the experts, and is entitled to all the discredit, which should accompany methods which have brought out the unjust and absurd results criticised and condemned in this memorandum.

Appended is the summary referred to :—

Site.	Topography and General Suitability.	Climate.	Soil—Productiveness.	Building Materials and Cost of Building.	Water Supply. (Table B.)	Accessibility.	Cost of Resumption.	
							Site.	Catchment Area.
Albury ... ..	1	5	4	2	5	1	1	2
Armidale ... ..	5	6	6	4	3	8	1	3
Bathurst ... ..	5	3	2	1	2	6	4	6
Bombala ... ..	7	7	5	7	4	7	2	5
Dalgety ... ..	7	6	5	7	2	6	1	2
Lake George ... ..	6	3	7	6	2	5	1	4
Lyndhurst ... ..	4	2	3	3	3	2	1	8
Orange ... ..	3	4	3	2	6	4	5	7
Tumut ... ..	2	1	1	5	1	3	3	1

The above *Summary* shows the following results :—The site with the least number of marks by this method takes first place, and the others in similar order of least numbers :—

- (1) Tumut ... .. with 17
- (2) Albury ... .. „ 21
- (3) Lyndhurst ... .. „ 26
- (4) Bathurst ... .. „ 29
- (5) { Orange... .. „ 34  
{ Lake George ... .. „ 34
- (6) { Armidale ... .. „ 36  
{ Dalgety ... .. „ 36
- (7) Bombala ... .. „ 44

Further criticism on this most misleading and unjust attempt to sum up and appraise the various heads under which the Commissioners thought fit to divide their report would be a waste of time. The thing stands self-condemned. If, however, any reader of this memorandum should be curious enough to ask what heads I myself would select, as containing the really important matters to be considered by those with whom rests the determination of the seat of government, I would submit the appended table of values showing what number of points, within a maximum of 100, should be allotted, in my judgment, under the five heads which

which appear most essential, to the nine sites reported on by the Commonwealth Commissioners. This table would bring out Bombala first with 80 points, Orange second with 73, and Tumut third with 71.

Site.	Estimated Values on maximum of 100 points.					Totals of Marks.	Classification of Site.
	Water Supply.	Climate.	Accessibility.	Acquisition of Territory and Capabilities of Expansion.	Suitability in regard to Topography, Architectural, Horticultural, and other features.		
	Maximum 30.	Maximum 25.	Maximum 20.	Maximum 15.	Maximum 10.		
Albury (Table Top) ...	8	7	10	5	5	35	9
Armidale ...	20	10	5	8	5	48	8
Bathurst ...	20	10	15	8	5	58	6
Bombala ...	25	18	15	15	7	80	1
Dalgety ...	27	9	15	12	6	69	4
Lake George ...	15	10	15	7	5	52	7
Lyndhurst ...	20	15	15	12	5	67	5
Orange ...	15	22	17	10	9	73	2
Tumut (Laemalac) ..	27	12	17	7	8	71	3

This result would accord closely with the conclusions set forth in my First Report, except that Tumut would be bracketed with, or take the place, of Yass; but this summary is only an approximation, and could not be understood without explanations which I have neither space nor time at present to make.

*Conclusion.*—Dropping the part of critic with pleasure for a more congenial rôle, I may, perhaps, be permitted to point out that, without surrendering just claims to favourable consideration in respect of features such as Climate, Fertility of soil, and Building materials, Southern Monaro holds an exceptional, and indeed an unique position in respect of—

- (1) A Federal harbour in Twofold Bay. This means access by sea for passengers and goods from all States of the Australian Union by the Commonwealth's own port. At a cost now calculated by the Hydrographic Officer of the Public Works Department at £150,000 for a breakwater half a mile in length, and two jetties to cost £30,000 each, this harbour will be as secure an anchorage as Port Jackson. In the future it will be capable of being an effective naval base—(See Annexure D.)
- (2) Federal railways from the Port of Twofold Bay to the Capital, and from the Capital to Cooma. These would be federally owned and worked, and thus all friction with State-owned railways would be avoided.
- (3) These Federal railways, and many other Industries, can be worked by electricity generated at favourable points on the Snowy River.
- (4) Unlimited expansion of area at a reasonable cost. The bearing of this feature on the Commonwealth's income has already been pointed out.
- (5) The Australian Union will be richer by the rapid development of a district which now resembles Orange fifty years ago, when it was known as Blackman's Swamp, and the road to Wellington, Molong, and the West; but will be like the district of Orange as it is now, if the Federal Capital is located somewhere in the basin of the Snowy River.
- (6) Two climates—one of the highland dawns, the other of a seaside bathing resort—each within three hours' reach by rail of the other.
- (7) No existing town of any importance would be drawn within the coils of the Federal city, and, in the course of a few years of hopeless struggling, strangled, because there are no such towns in the district.

ALEXR. OLIVER.

## Annexure A.

THE FEDERAL CAPITAL—POWERS OF THE COMMONWEALTH—  
RIGHTS OF THE STATE.

[*Sydney Morning Herald and Daily Telegraph*, 29th November, 1900.]

THE subjoined correspondence has been sent to us by the Attorney-General for publication:—

“My dear President,—

“November 20, 1900.

“I daresay you remember expressing an opinion some months ago on a point which has subsequently been the subject of much controversy both in this State and elsewhere. It was as to the relation of the State which has to part with territory for the seat of Government with the Commonwealth, which is empowered to acquire such territory, and particularly whether the Commonwealth can, constitutionally, acquire such territory without the concurrence of the State in which it is situated, and independently of the Parliament of that State.

“I write now to ask you to favour me with your considered views on these points, and as I value your opinion on any point involving interpretation of a statute, and especially of a statute to which you must have been giving attentive consideration for some time, I hope you will have no difficulty in acceding to my request, or object, if I wish, to the publication of your opinions.

“I am, &c.,

“B. R. WISE.”

“His Honor Alexander Oliver, President Land Appeal Court.”

“My dear Attorney-General,—

“November 26, 1900.

“The points on which you ask me to give you my opinion are, without doubt, of grave importance, and appear already to have given rise to controversy. I have no objection whatever to state at length the opinion I have always held, and still hold, on the subject mentioned in your letter of the 20th instant, but it must be taken only for what it may be worth, as being without authority, and embodying merely the views of one, who, writing without political bias or predilection of any kind, writes also without any other inducement than your letter.

“It has been broadly contended by some who presumably have studied the subject that not only is the determination of the seat of government of the Commonwealth vested exclusively in the Federal Parliament, but that the Commonwealth is the authority constituted and empowered by statute to acquire, of its own motion, and without consulting or awaiting any offers by the Parliament of New South Wales, so much of the territory of that State as may be required for the establishment of the seat of government. And as far as I have been able to gather, the passages in the Commonwealth Act relied on in support of that rather ‘large order’ (if I may so express it) are to be found in subsection 31 of section 51, section 52, and section 125.

“Section 125 (which I will deal with first) declares:—‘That the seat of government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and if New South Wales be an original State, shall be in that State, and be distant not less than 100 miles from Sydney. Such territory shall contain an area of not less than 100 square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.’

“It has been argued that, inasmuch as the expression ‘acquired’ in this passage must refer to territory obtained otherwise than by voluntary grant or by mutual arrangement between State and Commonwealth, the legitimate inference is that the Commonwealth is empowered to ‘acquire’ such territory, *in invitum*, so far as private or alienated lands are concerned, New South Wales being compelled to make a free grant of whatever area may be ‘Crown lands.’ In other words a power of what is known in American law as ‘eminent domain’ has been conferred on the Commonwealth, and it can step in and take for public uses any tract of country in New South Wales, situate at least 100 miles from Sydney, that appears suitable for the seat of government. Every State in the American Union possesses this power of eminent domain in its Constitution, subject to ‘just compensation’ for any land taken for public use, and I have not seen any suggestion that the exercise of a similar power by the Australian Commonwealth is to be unaccompanied by a similar obligation to pay such compensation.

“But, as our Federal Constitution has admittedly been modelled on the Constitution of the United States in the apportionment of Federal and State powers, it is a tenable inference that its framers contemplated the acquisition of the Federal seat of government upon fundamental principles, similar to those which the American Constitution laid down for the acquisition of the seat of government of the United States. . . . These are thus set forth in section 8 of article 1:—‘The Congress shall have power . . . to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be for (certain needful works and buildings), and ‘to make all laws which shall be necessary and proper for carrying into execution the foregoing powers,’ &c.

“So far, therefore, as we are justified in attributing any weight to the American Constitution in the interpretation of our own, that weight must be in favour of cession by mutual consent of State and Federal Parliament, rather than of independent annexation or appropriation by the Commonwealth. And, moreover, the same Constitution evidently, by the words ‘by cession . . . and the acceptance of Congress,’ points to a legislative, and not an executive, exercise of the power conferred. And the grant of a power ‘to make all laws which shall be necessary and proper for carrying into execution the foregoing powers,’ points in the same direction of legislative, as against executive action.

“So much for the American precedent. Special weight, however, is claimed for the word ‘acquired,’ as used in the section under consideration; but it seems to me that this claim greatly overtaxes the word. No doubt ‘acquired’ is a word intended to mean something more than the word in juxtaposition (‘granted’), but it is a mere begging of the question to argue that as ‘granting’ presupposes two parties

parties to the transaction, a grantor and a grantee, 'acquiring' must be some operation of an *ex parte* nature from which the proprietary State has been excluded, and in which only the expropriating Commonwealth is concerned. But, surely, if such an extraordinary, such an unprecedented, power as this was in contemplation by the framers of our Constitution, it would have been granted in clear and unmistakable language. A power to appropriate or take by some formal act of taking, such as we find in our own lands acquisition statutes, would have been given, and its effect declared; but there is nothing of the kind expressed in this section, and to infer such a power from words that are demonstrably capable of a quite different meaning would be a violation of all principles of interpretation.

"Now the meaning of this word 'acquired' is not, I think, far to seek. The section requires all Crown lands within the selected territory to be granted to the Commonwealth without payment. The only power competent to make such a grant is the Legislature of New South Wales; of this there cannot be any doubt. But where a selected territory contains private or alienated lands, then such lands are to be 'acquired' by the Commonwealth on a condition which the law will imply, namely, on payment. 'Grant,' therefore applies to Crown lands, 'acquisition' on payment to private lands. And it must not be forgotten that not only must the private owner be 'compensated' for the loss of his property, but also the State, which will lose revenue from taxation, also its roads, bridges, and public buildings. There are therefore, two parties to be compensated in any case, and if such a city as Goulburn or Orange should be within the selected territory, it may well be that there would be a third party claiming compensation—the municipal council. The position, therefore, is obviously one in which most complicated questions and claims might be expected, and it is difficult to imagine a more unjustifiable or arbitrary exercise of sovereign authority than to clothe the Commonwealth with the power of determining of its motion and off-hand its territory and seat of Government as a Czar of Russia is said to have settled the routes of some of the railways in his dominions, by a map and a ruler. On the very face of it, the determination of the seat of Government is a function which presupposes conference, mutual arrangements, concessions, and conditions. Multitudes of examples might be given of the confusion and delay that the opposite course would entail. A simple case, and one most likely to occur, would be where the territory under consideration contained (say) one-third Crown and two-thirds private lands. If the Commonwealth proceeded by way of appropriation in the first instance, it would still have to wait State action by way of grant of the Crown land; whereas, if the territory were acquired by mutual consent of State and Federal Parliament the State of New South Wales would in the proper way, namely, by legislation, cede both the Crown and the private lands to the Commonwealth, just as was done in the United States; and the entire transaction could be carried out as a single operation. On the other hand, if the Commonwealth, whether by Legislative or executive action, enters upon lands now territorially the property of New South Wales (a proceeding which at present would be entirely unauthorised), and marking out a tract of the prescribed area, proceeds to annex it without reference to our Parliament, we can easily see the material for a violent State and Commonwealth quarrel, which would have to be settled either by the High Court, or on appeal by the Privy Council, and thus, perhaps, five years might be added to the period during which our Victorian brethren would possess the privilege of Federal Parliamentary sittings in Melbourne. All this confusion and delay are avoidable if we proceed along the lines of mutual agreement; inevitable if we do not.

"The advocates of independent Federal action in this matter rely also on the language of the 52nd section, the material words being, 'The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to (*inter alia*) the seat of Government of the Commonwealth and all places acquired by the Commonwealth for public purposes.' If the passage quoted gives the power contended for, it must, it is clear, be exercised not by executive action in the first instance, but by legislation; and in framing such legislation the representatives of New South Wales in the Federal Parliament would, of course, have a hand. But does the passage give such a power? I submit not. The exclusive power here given pre-supposes the existence of the seat of Government, and does not provide for it. To make laws for the 'peace, order, and good government of the Commonwealth with respect to the seat of Government' is a very necessary provision, inasmuch as the area delimited for that purpose will be without any code of laws when it is withdrawn from New South Wales; but, seeing that sub-section 31 of section 51 has already authorised the Federal Parliament to make a provision for the 'acquisition of property on just terms from any State or person, in respect to which the Parliament has power to make laws,' it would have been merely superfluous to repeat that power in the 52nd section. The sub-section quoted must, therefore, be considered as the constitutional authority, if anything, for Federal 'expropriation' of territory in our State. And in this connection it is manifest that such expropriation must be carried out by legislation, and that it must be on 'just terms.' I think it must be conceded that if, anywhere in the Constitution, a reserve power to acquire territory for the establishment of the seat of Government has been granted, it is by this sub-section. And, one might ask, what more than a reserve power, to be exercised only in default of mutual arrangement by State and Commonwealth, could reasonably be asked for or required in the interests of good government?

"In this view of the case, one may imagine the framers of the Constitution saying:—'If you people of New South Wales, by your Parliament, neglect or refuse to offer the Commonwealth, of which your State is a constituent member, a site suitable for the seat of Government in the opinion of the Federal Parliament, there is a power behind which can be brought into operation, and it means a legislative taking 'on just terms.' There is no necessity to bring the machinery of compulsory taking, the Federal *deus ex machina*, upon the stage, to cut a knot that can be untied by other means—' *Nec Deus intersit nisi dignus vindice nodus incidit.*' But if New South Wales is not denied her undoubted right to be made a party to the 'acquisition' by the Commonwealth of the seat of Government, there need be no 'nodus,' no complication that will make it necessary to bring into play this reserve power. And she can only become a party by her State Parliament acting directly or by her executive acting under Parliamentary direction.

"The result, therefore, of a consideration of the constitutional authority for exclusive or independent action by the Commonwealth is rather in favour of mutuality or co-operative action; but when we come to the case for the State, that is, for the selection of the seat of Government by mutual agreement of State and Federal Parliament, the advocates of prerogative Federal power seem to be asking for what is clearly unconstitutional. They have not, I think, in the first place, given due consideration to

the

the provisions of the Imperial statute, 18 and 19 Victoria c. 54 (our State Constitution Act), which empowers the Legislature of New South Wales to make laws for the 'peace, welfare, and good government of the said colony in all cases whatsoever,' words which have been judiciously interpreted to give plenary powers of legislation to our Parliament. Next, they do not appear to have paid much attention to the 107th section of the Commonwealth Statute, which enacts that 'every power of the Parliament of a colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth, or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth,' etc. Now, the only powers of dealing in any way with the seat of Government by the Federal Parliament have already been considered; and it has been shown, I think, that no power of compulsory annexation has been granted to the Federal Parliament either expressly or by necessary inference. It follows, therefore, that the right of the Parliament of New South Wales to be a party (to say the least) to any proceedings by which that State will suffer a loss of territory must be considered as retained by that State. I do not contend, nor is it necessary to the argument, that, before the passing of the Commonwealth Act this or any Australasian colony could cede to another colony any portion of its territory without Imperial sanction, but it is quite certain that, under the Colonial Boundaries Act of 1895, the Queen in Council should not alter the boundaries of any 'self-governing colonies' (those of Australasia being, of course, included in that term) without the consent of the Colony concerned in the alteration. And how could that consent be given except by its Parliament? That Act of 1895 has not been repealed, but has only been amended by declaring the Commonwealth to be a self-governing colony for its purposes. Nor has there been any repeal of our State Constitution Act; but, on the contrary, a saving of all State powers except so far as they have been vested in the Federal Parliament, or withdrawn by the Federal Constitution.

"The ground has now been cleared for the consideration of the 111th section of the Constitution, which enacts that 'the Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.' This is *par excellence* the Constitutional provision for the acquisition of the seat of Government, and it shows that surrender on the one hand, and acceptance on the other, are to be the lines on which 'acquisition' must proceed. This 111th section, read with subsection xxxi already referred to, will have the effect of incorporating the condition of 'just terms,' to which I suppose no one will be found objecting. The case of those who advocate mutual agreement may be short, but it seems to me to be decisive. It is also the case of interstate comity and reasonableness. If that case were in need of other support than has already been brought under consideration, it is afforded in the chapter (6) of the Constitution which deals with the admission of new States into the Commonwealth, where it will be seen that the Parliaments of the States concerned are always made consenting parties as well to alterations of State limits as to the formation of new States by separation of territory.

"The Constitutional position may be thus stated:—

"1. The Parliament of New South Wales is the accredited Constitutional authority to offer to surrender one or more suitable sites within New South Wales to the Commonwealth for the establishment of the seat of Government.

"2. If any such offer be rejected by the Commonwealth, the Parliament of New South Wales is entitled to make a fresh offer or offers.

"3. If no agreement can be arrived at between the State and the Federal Parliament, or if the State Parliament declines to make any offer of territory, a reserve power is vested in the Federal Parliament in the last resource of legislating for the purpose of compulsorily appropriating on just terms a suitable site for the seat of Government.

"Although this letter is already too long, I cannot conclude without reminding you of what an illustrious American judge, Chief Justice Marshall, said on the subject of the American Constitution:—'The Government of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given, or given by necessary implication.' Our new Constitution, like that of the United States, is a Constitution of 'specified powers,' and due authority must be found in it for the exercise by the Federal Parliament or Federal Executive of any power to which either of those bodies makes a claim.

"Those who propose to thrust aside the Parliament of New South Wales in the determination of the site for the seat of Government on the ground that the Federal Parliament has the exclusive and unconditional power of deciding will certainly fail to discover in the Constitution any express grant of such an extraordinary power, and the contention based on 'necessary implication' rests, as has been shown, on the frailest and most unsubstantial of foundations.

"I am, my dear Attorney-General,

"Faithfully yours,

"The Honorable B. R. Wise, Q.C., M.L.C., Attorney-General.

"ALEX. OLIVER."



## Annexure B.

## WATER SUPPLY, &amp;c., FOR PROPOSED FEDERAL CAPITAL SITES.

The following general data are applicable to each of the eight Sites comprised in my evidence, and form the basis upon which the rough estimates of cost have been calculated.

In gravitation schemes, 5,000,000 gallons per day, sufficient for a population of 50,000 at 100 gallons per head per day, and in pumping schemes 5,830,670 gallons per working day, delivered to a covered service reservoir holding 5,000,000 gallons near each Site.

The water to be brought thence to the centre of the Site by a service main large enough (providing for varying diurnal consumption) to deliver 10,000,000 gallons per day with an efficient fire pressure.

Neither the reticulation of streets (which will be practically the same in all cases) nor the purchase of land and formation of roads are included in the estimates.

The estimates of cost being mostly based upon aneroid observations, and other investigations of a cursory nature, are necessarily only approximate; they include the provision of pumping machinery in duplicate, and the estimated annual working expenses are capitalised at 4 per cent.

## DRAINAGE.

All the proposed Sites can easily be drained by gravitation. Bacterial treatment with covered septic tanks and open continuously-acting beds, the effluent from which can be safely discharged either into a stream or on to cultivated land, I consider to be the most suitable in every case.

## ALBURY SITE.

There being no source of supply within a reasonable distance high enough to command this Site, it is proposed to pump naturally filtered water from a large well sunk in the gravel drift underlying the right bank of the Murray River at Cumberoona, sufficient infiltration area being obtained by galleries driven through the drift and communicating with the pump well.

The water to be pumped by high-duty engines in duplicate through a steel main 24 inches in diameter to a covered service reservoir a little north of, and about 580 feet higher than, the pumping station, and thence conveyed to the city site, near Table Top, by a service main 28 inches in diameter and about 7 miles long.

## Water Power.

Should the proposed weir for water conservation be constructed at Cumberoona, and the minimum flow of the Murray constantly maintained at 150,000 cubic feet per minute, the cost of pumping would be considerably reduced, for a fall of 10 feet (the proposed height of weir is 70 feet) would furnish 2,836 horse-power, of which, say, 920 could be used for pumping water to the Federal City, and the balance, 1,916, would be available for electric lighting and other uses.

Failing the construction of this weir, sufficient water power for electric lighting, &c., for many years could be obtained at a distance of about 70 miles from the proposed City Site by the construction of an impounding reservoir either at Murray Gates on the Swamp Plain River, or on the Tooma River near the foot of the Black Jack Mountain; and a further immense power, when required, from the Snowy River, near the inter State border, at a distance of 100 miles. (*Vide* evidence *re* Bombala Site.)

## Approximate estimate of cost of water supply:—

If pumped by steam power	... ..	£512,000
Thus—		
Estimated cost of works	... ..	£218,350
Working expenses and maintenance of mains capitalised at 4 per cent.	... ..	293,650
		£512,000
If pumped by water-power	... ..	£317,000
(Including water-power supplied at £4 per horse-power per annum, but not including cost of electrical installation.)		
Thus—		
Estimated cost of works	... ..	£192,000
Working expenses and maintenance of mains, capitalised at 4 per cent.	... ..	125,000
		£317,000

## Temporary Supply.

A temporary supply could be obtained by sinking the proposed permanent well at Cumberoona, and pumping therefrom to a tank erected on Mount Budginigi, and a small supply sufficient for preliminary works from Bowna Creek, close to the proposed City Site.

ARMIDALE.

## ARMIDALE SITE.

The most favourable source for a gravitation water supply to this Site is the Gyra River, on which it is proposed to form a storage reservoir containing about 2,400,000,000 gallons by the construction of a curved concrete weir 70 feet high at a point about 5 miles north-east of the Black Mountain railway station, 3,782 feet above sea-level, the water being brought to a service reservoir on Bald Hill, 2½ miles from the proposed City Site, and 3,616 feet above sea-level, by a line of pipes 26 inches in diameter and about 25 miles long.

The catchment area—80 square miles in extent, having an estimated minimum annual rainfall of 25 inches—includes Ben Lomond and Gyra, where the mean annual rainfall amounts to about 35 inches. The estimated minimum run-off of 9 per cent. will, allowing for evaporation, supply at least 57,000 people at the given rate of consumption.

The supply of water can be largely increased, when required, by pumping from a storage reservoir on the Woolominbie River (near the station of that name), into which the water from the Candler's Creek could be brought. Above this point the two streams and their tributaries have a catchment area of about 240 square miles. The distance to be pumped would be about 23 miles, and the lift nearly 400 feet.

A further addition could later be made by pumping from the Macdonald River below its junction with the Cobrabald Creek, the joint catchment area of the two being 250 square miles, the distance to be pumped 34 miles, and the lift nearly 350 feet.

With suitable storage provision, sufficient water could be obtained from all the sources mentioned for a population of 480,000 in the driest seasons.

The estimated cost of the proposed gravitation scheme from the Gyra River is ... ..	£328,200
Thus—	
Estimated cost of works ... ..	£323,200
Maintenance of mains, capitalised at 4 per cent. ...	5,000
	<u>£328,200</u>

*Temporary Water Supply.*

The necessary temporary supply could be pumped from a small storage reservoir on the Gyra River, about 8 miles from the City Site.

*Water-power.*

Ample water-power for electric lighting, &c., could be obtained from storage reservoirs near the junction of the Muddy and Chandler's Rivers, 24 miles distant, and on the Apsley River, about 35 miles distant.

## BATHURST SITE.

A good gravitation supply for this Site can be obtained by the construction of a storage reservoir at Dog Rocks, near Bunamagoo Station, where a concrete dam, 80 feet high, would impound about 2,500,000,000 gallons of water, at an elevation of 2,660 feet above sea-level, from which a line of 24-inch pipes, about 31 miles in length, would bring the water to a service reservoir 2,365 feet above sea-level, close to the City Site.

The catchment area is about 142 square miles in extent, from which a run-off of 8 per cent. of the estimated minimum annual rainfall of 20 inches would supply a population of 81,000 at the assumed rate, allowing for loss by evaporation.

Additional supplies could be brought by gravitation when required from storage reservoirs on Sewell's, Native Dog, and Brisbane Valley Creeks, near their junction, the average distance being about 25 miles from the city site, and the joint catchment about 91 square miles. The quantity could be still further increased by pumping from wells and galleries in the gravel drift beds underlying the banks of the Macquarie River, below the junction of the Fish River, about 7 miles from the proposed City.

Assuming that only one-sixth part of the water flowing down the Macquarie Valley will be available for this purpose, I estimate that the sources named would furnish sufficient water in the driest seasons for a population of 209,000, allowing for loss by evaporation.

Estimated cost of the proposed gravitation scheme from Campbell's River	£345,200
Thus—	
Estimated cost of works ... ..	£340,200
Maintenance of mains, capitalised at 4 per cent. ...	5,000
	<u>£345,200</u>

*Temporary Water Supply.*

An ample supply of water for temporary use can be obtained by pumping from shallow wells and drives in the drift underlying the Macquarie River flats, near the proposed City Site.

*Water Power.*

Water power for electric lighting, &c., can be obtained by the construction of weirs on the Macquarie River, below the junction of the Pyramul Creek, 38 miles distant; or on the Lachlan River near Mount Macdonald, at the Site already surveyed for water conservation, 53 miles distant.

## BOMBALA SITE.

Owing to the elevation of this Site, the proposed City must be supplied with water by pumping, and the Snowy and Delegate Rivers are the most permanent sources available.

Although the Snowy is somewhat nearer than the point on the Delegate from which the water must be drawn, the latter is preferable to the former for the following reasons:—

- (a) The water is much clearer after rain.
- (b) There is a favourable and economical site for storage and subsidence; and
- (c) The lift from the Delegate is less than a quarter that from the Snowy River.

The minimum normal flow of the Delegate River will be sufficient for the requirements of the City for many years. It is, however, proposed to construct a concrete weir, 40 feet high, just above the township of Delegate, which will throw the water level back about 3 miles, forming an excellent settling reservoir of about 2,000,000,000 gallons capacity.

The water will be forced through a steel rising main 24 inches in diameter, and 16 miles long, to a service reservoir on Lord's Hill, 230 feet above the pumping station, by engines in duplicate worked by electricity, generated by water power, on the Snowy River, 15 miles from Delegate.

The catchment above the proposed weir is about 90 square miles in extent, with an estimated minimum annual rainfall of 25 inches. If properly preserved, its elevation and rugged character, and the copious perennial flow of the stream, will always ensure pure water.

*Water-power.*

At a bend in the Snowy River, 15 miles (air line) from the proposed City Site, and the same distance from Delegate, a series of rapids occur at which a fall of 200 feet in  $3\frac{1}{4}$  miles was measured by aneroid.

By the construction of a tunnel through granite, 3.6 miles long, across this bend, and a storage weir up-stream, sufficient water-power could be obtained, not only for pumping all the water required, and for electric lighting and tram traction; but also for operating the proposed railways from Cooma to Delegate, and from Bombala to Eden by electricity.

Taking the catchment and measured discharge of the Murray River at Jingellic as a basis of calculation, the mean discharge of the Snowy River at the point referred to during a low year would be at the rate of 52,200 cubic feet per minute.

Should this quantity be made available by the necessary storage, an effective head of 300 feet, which can certainly be obtained; would continuously furnish at least 20,000 net electric horse-power at the end of transmission lines, which might be used as follows:—

For electric lighting	...	...	...	600 h p.
For pumping water supply from Delegate River	...	...	...	700 "
For electric trams	...	...	...	2,700 "
For operating trains, four each way, on two lines=16 trains per day, at say, 1,000 horse-power each	...	...	...	16,000 "
Total, say	...	...	...	<u>20,000 "</u>

The distances over which the power must be transmitted by electrical lines are:—

To centre of City Site	...	...	...	15 miles.
To pumping station at Delegate	...	...	...	15 "
To centre of proposed Cooma-Delegate Railway, about	...	...	...	20 "
To centre of proposed Bombala-Eden Railway, about	...	...	...	40 "

Transmission lines of over 100 miles in length are not now uncommon; at Colgate, in California, electrical energy generated by water-power is regularly transmitted 220 miles, and occasionally as far as 270 miles. It is probable that in the near future all the railways in the North Island, New Zealand, will be worked by electricity generated at the Huka Falls, from which it is expected 39,000 horse-power will be available, of which 4,000 horse-power will suffice for the present railway lines.

The new system of locomotive-carried transformers has very greatly increased the economy of electric traction.

Estimated cost of water supply pumped from Delegate by water-power from the Snowy River (Power supplied at £4 per h.p. per annum.)

Thus—				
Estimated cost of works	...	...	...	£193,750
Working expenses and maintenance of mains capitalised at 4 per cent.	...	...	...	102,250
				<u>£296,000</u>
Or if pumped by steam-power	...	...	...	£409,500
Thus—				
Estimated cost of works	...	...	...	£209,325
Working expenses and maintenance of mains capitalised at 4 per cent.	...	...	...	-200,175
				<u>£409,500</u>

ALTERNATIVE

## ALTERNATIVE SCHEME OF PUMPING FROM THE SNOWY RIVER.

Should portions of the catchments of the Delegate and Little Plains Rivers, being outside the State of New South Wales, prove to be an objection to those sources, the water supply could be pumped from the Snowy River at its nearest point to Lord's Hill.

About 13 miles of 24-inch pipes would be required, and the lift would be nearly 1,100 feet.

As this river is somewhat turbid after rain, the cost of subsidence, accelerated by lime treatment when necessary, is included in the estimate, which also provides for pumping by water-power, as in the Delegate River scheme.

*Water-power.*

In this case the available water-power could be used as follows:—

For electric lighting...	...	...	...	...	600 h.p.
For pumping water supply from Snowy River	...	...	...	...	1,900 "
For electric trams, say	...	...	...	...	2,700 "
For operating 14 railway trains per day at 1,000 h.p. each	...	...	...	...	14,000 "
Total, say	...	...	...	...	<u>19,200 h.p.</u>

*Further water-power.*

When required in the future, further water-power can be obtained to almost any extent by similar instalments lower down the river, e.g., at the next bend 30 miles from the City Site, where an effective fall of 300 feet would furnish about 68,000 additional horse-power.

Estimated cost of water supply pumped from the Snowy River by water-power supplied at £4 per h.p. per annum	...	...	...	...	£617,500
Thus—					
Estimated cost of works	...	...	...	...	£301,378
Working expenses and maintenance of mains capitalised at 4 per cent.	...	...	...	...	316,122
					<u>£617,500</u>
Or, if pumped by steam power	...	...	...	...	£1,124,500
Thus—					
Estimated cost of works	...	...	...	...	£354,275
Working expenses and maintenance of mains capitalised at 4 per cent.	...	...	...	...	770,225
					<u>£1,124,500</u>

The Little Plains River is another source from which an additional population of about 50,000 could be supplied by pumping from a storage reservoir near Wellesley, above which the catchment area is about 60 square miles.

A population of fully 530,000 could be supplied with water from the three sources named.

*Temporary Supply.*

A temporary supply can be economically got by pumping from a small storage on Saucy Creek close to the City Site.

## LAKE GEORGE SITE.

The nearest source from which a satisfactory water supply can be obtained by gravitation is the Queanbeyan River, on which, at a point about  $1\frac{1}{4}$  mile above the junction of the Tinderry Creek, at an elevation of about 2,700 feet above sea-level, a curved concrete weir 80 feet high would impound about 2,300,000,000 gallons.

The water could be brought to a service reservoir, 2,500 feet above sea-level, close to the proposed City Site, by a line of pipes 26 inches in diameter, and about 33 miles long.

The catchment area is about 195 square miles, from which I estimate, taking the minimum rainfall at 20 inches per annum, that sufficient water can be obtained in the driest seasons for a population of 112,000 at the assumed rate of consumption.

The Molonglo River being too low for a gravitation supply, and the available storage sites not favourable for large capacity combined with sufficient depth, additional supplies when required will probably have to be pumped from either the Shoalhaven River near the Braidwood-road crossing, distant 21 miles, and lift about 850 feet, or from the Murrumbidgee River below its junction with the Molonglo River, distant 28 miles, and lift about the same as from the Shoalhaven River.

Assuming that half of the minimum flow of the Shoalhaven and one-tenth of the minimum flow of the Murrumbidgee will be available for this purpose, I estimate that sufficient water could be obtained from the three sources named for a population of 550,000 in the driest seasons.

Estimated cost of the proposed gravitation scheme from the Queanbeyan River	...	...	...	...	£295,100
Thus—					
Estimated cost of works	...	...	...	...	£290,100
Maintenance of mains capitalised at 4 per cent.	...	...	...	...	5,000
					<u>£295,100</u>

*Temporary*

*Temporary Water Supply.*

A sufficient supply for temporary uses can be obtained by pumping from a small storage reservoir constructed on the Butmaroo Creek, about 2 miles from the proposed City Site.

*Water-power.*

Water-power for electric lighting, &c., could be obtained from the Murrumbidgee River, either below the junction of the Molonglo River—28 miles—or from the proposed water conservation weir site, near Barren Jack, 52 miles distant.

Power could also be obtained from the Shoalhaven River, near the junction of the Mongarlowe River, at a distance of about 28 miles.

## LYNDHURST SITE.

The Coombing Rivulet forms a very favourable source for the supply of water to the proposed City, near Lyndhurst, but its catchment above the best site for a storage reservoir is only 80 square miles, from which the estimated minimum annual rainfall of 20 inches will not, allowing for evaporation, be sufficient in dry seasons for the stipulated population of 50,000.

I have, therefore, included in the estimate of cost a supplementary supply from Flyer's Creek.

It is proposed in the first instance to form a storage reservoir on the Coombing Creek, 2,824 feet above sea level, having a capacity of 2,200,000,000 gallons, by the construction of a concrete dam 70 feet high, having an earthwork wing on the right bank, and bring the water by a line of 20-inch pipes, 8½ miles in length, to a service reservoir 2,500 feet above sea-level, on a hill half a mile south of Lyndhurst village.

Subsequently, when the population approaches 40,000 to form a storage reservoir holding about 800,000,000 gallons by the construction of a curved concrete dam 65 feet high, across Flyer's Creek, at the neck of Long Swamp, at an elevation of 2,697 feet. About 1,000,000 gallons of water per day to be brought thence to the service reservoir at Lyndhurst by a line of 15-inch pipes, about 15½ miles long.

The catchment area of Flyer's Creek above the point mentioned is about 18 square miles, from which the estimated minimum run-off would be sufficient for a population of about 14,000.

The total population, which it may be safely assumed can be supplied from the Coombing and Flyer's Creeks catchments, above the proposed points of off-take, is about 54,000.

A storage reservoir on Cadiangullong Creek below its junction with Soldier's Creek would, from a catchment of 14½ square miles, furnish sufficient water for an additional population of 9,000.

A further additional population of 26,000 could be supplied from a storage reservoir on Brown's Creek, a mile below the junction of Sugar Leaf Creek, having a catchment area of 47 square miles.

The suggested dam site on Cadiangullong Creek being 2,610 feet, and that on Brown's Creek 2,549 feet, above sea-level, the water could be brought by gravitation to the City Site in both cases.

When required in the future, water can be pumped from the Lachlan River, near Mount Macdonald, at a site already surveyed for a large storage reservoir for water conservation. From this source which is about 22 miles from, and about 1,400 feet lower than, the proposed City Site, and has a catchment area of 3,200 square miles, sufficient water for a population of at least 203,000 could be obtained with suitable storage, assuming that only one-tenth of the minimum run-off would be available for domestic water supply.

From all the sources mentioned, a population of 292,000 could be supplied with water in the driest seasons at the assumed rate of consumption.

The estimated cost of the proposed works on the Coombing and Flyer's Creeks, with pipe lines large enough for 50,000 inhabitants, is	£262,800
Thus—	
Estimated cost of works	£254,800
Maintenance of mains, capitalised at 4 per cent.	8,000
	<u>£262,800</u>

*Temporary Supply.*

A temporary supply could be economically brought by gravitation from a small storage reservoir formed by a low weir across the Coombing Rivulet, just above the falls, at a distance of about 7 miles from Lyndhurst.

*Water-power.*

Ample power for electric lighting, &c., could be obtained from storage reservoirs on the Belubula River, near the Needles, distant 24 miles; or from the Lachlan River, near Mount Macdonald, at the site proposed for a water conservation weir, distant 22 miles.

## ORANGE SITE.

Owing to the elevation of this Site averaging about 2,880 feet above sea-level, it must be supplied with water by pumping, and the most favourable sources available are, I consider—

- Flyer's Creek, near Errowanbang Station, supplemented by the Cadiangullong Creek, draining the southern slopes of the Canobla Mountains; and
- The Macquarie River at Watton.

The creeks flowing northwards are not recommended, for the reasons that the rainfall on their catchments is not so good as on the southern slopes, and the drainage from the town of Orange, and some small villages, might be objectionable.

It is proposed in the first instance to construct a concrete dam, 75 feet high, with earthwork wing across Flyer's Creek, about half a mile below Errowanbang Station, 2,140 feet above sea-level, which would form a storage reservoir containing about 2,500,000,000 gallons. The water to be pumped therefrom, through a 24-inch main, about 13 miles long, to a service reservoir on the divide, about 3,250 feet above sea-level, and thence conveyed to the proposed City Site by a 30-inch main, about 8 miles in length.

A small storage reservoir to be constructed on the Cadiangullong Creek at the point shown, and the water brought into the Flyer's Creek reservoir by a line of pipes 20 inches in diameter, and about  $6\frac{1}{2}$  miles long.

The combined catchment of the Flyer's and Cadiangullong Creeks above the proposed dams is about 80 square miles. A run-off of 8 per cent. of the estimated minimum annual rainfall of 25 inches would, allowing for evaporation, be sufficient for a population of about 52,000 at the assumed rate of consumption.

As an alteration scheme, or for future requirements, a weir, about 50 feet high, could be constructed across the Macquarie River at Watton (the site already surveyed in connection with water conservation) to form a storage reservoir of about 1,400,000,000 gallons capacity, from which the water, after filtration, could be pumped to a service reservoir on Budge Hill, high enough to command the City Site by gravitation. The total distance, including service main, would be about 21 miles, and the lift about 1,250 feet.

The catchment area above Watton is 1,345 square miles. Assuming that one-sixth of the water passing down the river would be available for the purpose, a run-off of 8 per cent. of an estimated minimum annual rainfall of 20 inches would be sufficient for a population of 140,000 at the assumed rate of consumption.

I estimate the approximate cost of a water supply for a population of 50,000, pumped by steam from Flyer's Creek reservoir, at ... .. £1,065,300

Thus—

Estimated cost of works ... .. £583,775

Working expenses and maintenance of mains, capitalised at 4 per cent. ... .. 481,525

£1,065,300

Or by water-power brought by electricity from either Watton or Mount Macdonald, at ... .. £729,200

And the cost of a similar supply pumped by steam from the Macquarie River, including filtration, at ... .. £989,400

Thus—

Estimated cost of works ... .. £393,950

Working expenses, including filtration, capitalised at 4 per cent. ... .. 595,450

£989,400

Or by water power with sufficient storage ... .. £673,800

Notwithstanding its higher cost, the Flyer's Creek scheme may be preferred owing to the existence of the city of Bathurst, about 16 miles up-stream from Watton.

A further additional population of 26,000 could be supplied from a storage reservoir on Brown's Creek, a mile below the junction of Sugarloaf Creek, having a catchment area of 47 square miles, from which the water could be brought by gravitation into the proposed main reservoir at Errowanbang.

From all the sources mentioned a population of about 225,000 could be supplied with water at the assumed rate.

#### *Temporary Water Supply.*

A supply for temporary requirements could be obtained partly from the existing municipal water works, an extension of which is proposed, and partly from wells sunk in the underground drift close to the proposed Site.

#### *Water-power.*

Sufficient water-power for electric lighting, &c., can be obtained from large storage reservoirs at either of the following places:—

The Macquarie River, near the junction of the Pyramul Creek, distant 25 miles.

The Belubula River, near the Needles, distant 25 miles; or the Lachlan River at Mount Macdonald the site already surveyed for water conservation, distant 50 miles.

#### TUMUT SITE.

This Site can be easily supplied from the Goobarragandra River and its tributaries, from all of which water can be obtained by gravitation as required.

It is proposed in the first instance to draw from the main river just below the junction of the Emu Creek, 1,790 feet above sea level, where the perennial flow from over 100 square miles of catchment would be sufficient without providing a large reservoir for a population of 50,000.

A concrete dam, 20 feet high, will form a small storage from which the water will be brought to a service reservoir about 1,300 feet above sea-level close to the proposed City Site near Lacmalac, by a 20-inch main about 17 miles long.

To remove occasional turbidity after heavy rain, two settling tanks with a joint capacity of 10,000,000 gallons are provided for.

Further

Further supplies can be obtained when required by gravitation from the following sources:—

Sandy or Waterfall Creek, catchment 38 square miles, distance 7 miles; and Peak or Balloo Arm River, catchment 57 square miles, distance 12 miles. Both tributaries of the Goobarragandra.

Also from the Gilmore and Buddong Creeks, joint catchment 57 square miles, distance 20 miles; from the Jounama Creek, catchment about 30 square miles, distance 23 miles, tributaries of the Tumut River; and from the Tumut itself near Lobbs' Hole, catchment 340 square miles, distance 32 miles.

The estimated minimum rainfall from the catchment of the six gravitation sources mentioned would, with sufficient storage and allowing for evaporation, suffice for a population of 623,000 at the assumed rate of consumption; and, if ever required, enough water for an additional population of 477,000 could be pumped from the Murrumbidgee River above Gundagai, a distance of about 21 miles, assuming that only a tenth of the minimum flow would be available for this purpose.

Should the seven sources named be drawn from, a population of 1,100,000 could, with suitable storage provision, be supplied with water in the driest seasons.

The estimated cost of the proposed water supply from the Goobarragandra River, near Emu Creek, is	£195,100
Thus—	
Estimated cost of works	£190,100
Maintenance of mains, capitalised at 4 per cent.	5,000
	<u>£195,100</u>

A temporary supply of water can be obtained either by gravitation from Sandy or Waterfall Creek, distance about 7 miles, or by pumping from a well near the Goobarragandra River at the City Site.

#### Water-power.

With proper storage reservoirs water-power for electric lighting, &c., could be obtained from either of the following sources at the given distances, viz:—

- (a) Near the heads of the Goobarragandra River or high-falls on Dubbo Creek, 16 miles.
- (b) Falls on the Buddong Creek, 23 miles.
- (c) Near the head of the Tumut River, 35 miles.
- (d) Near the head of Micalong Creek, 23 miles.
- (e) From the Barren Jack Reservoir on the Murrumbidgee, if carried out, 27 miles.

Should further water-power be required for electric tramways, &c., or for a railway to Yarrangobilly or even to the Eastern Coast, it can easily be obtained to almost any extent from the Snowy River rapids, distance about 100 miles.

T. PRIDHAM.

24 June, 1903.

### Annexure B<sup>1</sup>.

## REPORT OF THE ELECTRICAL ENGINEER FOR NEW SOUTH WALES RAILWAYS, &c.

In accordance with the request of Mr. Alexander Oliver, State Commissioner on Federal Capital Sites, I have read through the papers he gave me, including the evidence of Mr. T. Pridham, Assistant Engineer Water Supply and Sewerage Branch, and Mr. H. Deane, Engineer-in-Chief for Railway Construction, with reference to the proposed utilisation of the water of the Snowy River for power purposes by means of electrical transmission. I understand that Mr. Oliver wishes an expression of my views with regard to the inclusion in that scheme of the operating of railways from Bombala to Eden, and from Bombala to Cooma.

During the tour which I recently undertook by direction of the Commissioners through Europe and America, my inquiries were directed especially to the question of electrically-operated railways, and I had the opportunity of making personal observations of the majority of the important systems of this description throughout the world, both as regards their successful operation and also the economic conditions surrounding them.

As regards the practicability of transmitting the power a distance of 150 miles, this there is no difficulty in accomplishing. The expenses of transmission would, however, prove very serious if the climatic conditions of the districts traversed were unfavourable for the maintenance of high insulation, as in that case it would not be practicable to transmit the current at a very high potential—an indispensable condition for power transmission at low cost over so great a distance.

The possibility of working the railways electrically, provided the necessary current were furnished, is also, as Mr. Deane states, not a matter of doubt.

During my tour I travelled upon and investigated the working condition of electric railways in Germany, Hungary, Italy, Switzerland, France, England, the United States and Canada, and in no case were any hitches or difficulties being experienced in connection with working of the trains. The great majority of these were furnishing exclusively passenger service in closely-populated districts. A regular goods service was also being maintained, however, upon the Lecco-Lugano line (Italy), the Burgdorf-Thun line (Switzerland), and the Buffalo and Lockport-road in America, in addition to which the heavy steam trains were being taken by powerful electric locomotives through the tunnels between Austerlitz station and the Quai d'Orsay (Paris), and on the Baltimore and Ohio line in America. The electric locomotive on which I went through the latter tunnel was drawing a goods train of 1,000 tons weight on an ascending grade averaging 1 in 60. I travelled alongside the drivers in all cases and saw that they had become thoroughly accustomed to the operation of the equipments, which they handled with ease and confidence.

Seeing

Seeing, therefore, that it has been established that any class of railway that can be operated by steam can be worked electrically, the question resolves itself entirely into one of comparative cost of operation. The main advantage peculiar to electric traction is its ability to furnish increased frequency and speed at comparatively small increase in cost. On this account the great majority of the applications of electricity to railway working have been on urban or suburban lines or interurban roads between populous cities in fairly close proximity. There has in, I believe, every instance been an increase in the working cost, but the superior travelling advantages offered to the public have led to a much more than proportionate increase in revenue. The success attained by these lines has led to a general movement in England and America towards the electrification of the railway lines in the more densely populated districts. It is obvious that the essential element for the securing of the results anticipated is the presence of the necessary population to avail itself of the additional travelling advantages provided. A notable instance of the recognition of this feature is furnished in the Nantasket Beach line of the New York, New Haven, and Hartford service. This line has been converted to electrical working, and has for some years been operated successfully during the summer months. The district consists largely of holiday resorts, and there is consequently a great falling off of population during the winter. As a consequence of this condition, it has been found more economical to allow the electrical equipment to remain in disuse throughout the winter, and to furnish the required service by steam locomotives.

From the conversation I have had with the State Commissioner on Federal Capital Sites, I gather that the conditions anticipated with regard to the lines under consideration will for an indefinite period be exactly the reverse of those ordinarily favourable for economical electrical working. The city will be self-contained; there will be no other city of importance with which the railways in question will connect, and no immediate prospect of populous townships arising along their route. I gathered, in fact, that the passenger service would be met by one or two through trains per day, and that the greater importance was attached by Mr. Oliver to the goods service. This would certainly be worked most satisfactorily from a traffic point of view by means of long trains hauled by powerful locomotives. All of which conditions favour a steam service.

In view of the absence of every traffic or operating advantage, and the distance which the power has to be transmitted, the proposed lines do not commend themselves as favourable for the application of any known system of electric traction. In considering this matter, the only safe course is to follow on the lines of proved and accepted practice, and assume, as Mr. Deane does, that the motors would be of the direct-current type requiring sub-stations for the converters at intervals along the lines. The first cost and maintenance of these is an important consideration.

Mr. Deane quoted from a paper of mine in which I referred to the exaggerated importance popularly attached to the advantages of water-power. The point that may be lost sight of is that the first cost of the plant and works per horse-power of its capacity is often very heavy, and unless it is required to work for a certain period per day it will prove more costly than steam; that is to say, the heavy capital charges and small maintenance costs of the water plant will together amount to more than the lighter capital charges and heavier maintenance costs of steam working when the time of working per day is so short that the fuel consumed is very little. The matter of supreme importance in connection with a water-power plant is, therefore, the "load factor," or the equivalent proportion of the day during which full load is being taken. Then again it has to be remembered that every mile of transmission represents additional first cost, adding to the capital charges on the power supplied. In both these respects the proposed lines would be most unfortunate. The load factor would be very low, and the distance is extreme. In the three notable instances of general service furnished by means of water-power, which I had the opportunity of inspecting (viz., the Lecco-Lugano, the Burgdorf Thun, and the Buffalo and Lockport) they all constitute networks connecting a number of populous centres in the vicinity of the power supply. In fact, there is no electric railway system in existence that furnishes favourable figures upon which to base a scheme for an electrical service on the proposed lines.

I do not think, however, that Mr. Pridham has in any way over-estimated the immense advantages of the water power which his figures show to be available on the Snowy River. I have unfortunately been unsuccessful in my efforts to meet him with a view to gathering some further details as to his proposals before furnishing this report. Mr. Pridham's estimate of 600 horse-power for the lighting of a city of 50,000 inhabitants, which is to be furnished with an important tramway system, is certainly conservative. There would not presumably be any other system of lighting, and as the distance of transmission would not be great, it would be possible, if the capital cost of the hydraulic work were not excessive, to furnish current for general distribution to the public within the city at a price which would enable them to use it for heating and general power purposes, which would represent a consumption many times in excess of the figure mentioned.

The importance of the consideration of the load factor in connection with systems supplied by means of water-power has been brought into additional prominence by the rapid growth of great permanent industries which require a constant heavy output of power, such as the production of aluminium and various chemicals, and the manufacture of carborundum, &c. In Canada and the United States I heard of some immense water-power schemes now in hand which are to be devoted almost entirely to the establishing of these industries which enable the power of the water so be utilised all day and all night to the full extent of the output of the plant installed. In fact, the demand which has set in for water-power for this purpose appears likely everywhere to stand in the way of the more important installations being used for work having a small load factor, with consequently only partial utilisation of the water and the works upon which the capital has been expended. In support of my view, I might mention that while in America a principal of one of these chemical manufacturing companies, who had some knowledge of Australian products, asked me to ascertain for them whether any permanent water-power was available on the continent of Australia.

It appears probable, therefore, that in addition to the ordinary current consumption of the public of the capital city, which would be important, and the current required for tramways, it would be seen that opportunities would exist for the establishing advantageously of works which would give a much better return than the railways, and would very much more fully utilise this undoubtedly valuable national asset.

18th August, 1903.

O. W. BRAIN.

Annexure C.



## Annexure C.

*Re* WATER SUPPLY FOR PROPOSED FEDERAL CAPITAL SITES.

Site.	Proposed primary Supply.	Population, by gravitation.	Population by pumping.	Total population which can be supplied in driest season.	Estimated cost of Works for population of 50,000.	Estimated Working Expenses capitalised at 4 per cent.	Total estimated cost of Water Supply, not including interest.	Remarks.
1. Tumut .....	Gravitation	623,000	477,000	1,100,000	£ 190,100	£ 5,000	£ 195,100	1-10th min. flow of Murrumbidgee assumed as available.
2. Bombala .....	Pumping .....		530,000	530,000	193,750	102,250	296,000	{ ¼ min. flow of Snowy assumed.
3. Albury .....	Pumping .....		1,092,000	1,092,000	192,000	125,000	317,000	{ ¼ min. flow of Snowy assumed.
4. Bathurst .....	Gravitation	133,000	76,000	209,000	340,200	5,000	345,200	1-3rd min. flow of Murray assumed.
5. Lake George...	Gravitation	112,000	438,000	550,000	290,100	5,000	295,100	1-6th min. flow of Macquarie assumed.
6. Lyndhurst ...	Gravitation	89,000	203,000	292,000	251,800	8,000	262,800	½ min. flow of Shoalhaven, and 1-10th min. flow of Murrumbidgee.
7. Armidale .....	Gravitation	57,000	423,000	480,000	323,000	5,000	328,000	1-10th min. flow of Lachlan River assumed.
8. Orange .....	Pumping ..	26,000	199,000	225,000	583,775	431,525	1,065,300	1-6th min. flow of Macquarie at Watton assumed.

## Annexure D.

## THE PROPOSED FEDERAL PORT AT TWOFOLD BAY.

To Alexander Oliver, Esq., Federal Capital Sites Commissioner.

Sir,

In accordance with instructions received from the Principal Engineer for Harbours and Rivers, in response to a request from you that an officer should be sent to Eden to report on various matters concerning the establishment of a Federal Port at Twofold Bay, I beg to report having visited Eden on the 22nd ultimo, and returned to Sydney on the 4th instant.

During this time I made a careful examination of Twofold Bay and the surrounding district to enable me to express opinion,—

- 1st. As to the necessity for improving the existing harbour accommodation ;
- 2nd. The best position for a breakwater (if necessary) ;
- 3rd. The quality and amount of stone available for harbour works and town buildings, &c. ;
- 4th. The disposition, lengths, and sizes of wharfs, docks, &c. ;
- 5th. The best position for a town, having regard to drainage, water supply, &c. ;
- 6th. The quality and amount of timber, clay, &c., available for buildings ; and
- 7th. The best means of supplying the new town with water.

It is difficult to understand how the existing township of Eden came to be placed in its present position. Weecoon Bay, or Snug Cove, is shallow and small, and is not protected from the south-east gales, or the prevailing south and south-west winds ; the access to the wharf from the town is bad, and must remain so ; the majority of the houses in the town are exposed to every wind that blows, and the steepness of the ground makes the site about the worst that could be chosen for a town. The difficulty, if not the impossibility, of finding a suitable site for a railway station, is also a serious objection to the adoption of Eden as the site of a future town. A much more favourable site exists at the south-east corner of the Bay, known as East Boyd. This part of Twofold Bay is sheltered from all but the north-east winds, which do not raise the same amount of sea as a southerly or south-east wind of equal strength, for reasons which it is not, perhaps, necessary to state here. My own observations go to prove that with a light south-east swell coming into Twofold Bay there was much less range at East Boyd than at the wharf at Eden, and the pilot and others informed me that this was the case in all weathers, except of course when a "black north-easter" was blowing.

On account of the sudden alteration in the trend of the coast at Gabo Island, the north-east winds which prevail on the coast of New South Wales during the summer months are changed to S.S.E, south, and S.S.W. winds on the Victorian coast, and the small strip of coast between Gabo and Twofold Bay is a neutral zone in which the north-east winds do not blow with the same regularity as they do further north. Still there are times when they attain considerable strength, and in order to afford protection from them, and to deflect the south-east swell, I propose to run a breakwater in the position shown by blue lines on the attached helio. Its length need not exceed 2,610 feet (½ mile), and at the outer end there is 9 fathoms of water. With a breakwater 15 feet wide on top and 16 above high water, with inner slope 1½ to 1, and outer slope 1¼ to 1, the cost would be £150,000, and it would ensure protection in all weathers over an area of 8 of a square mile with a depth of over 4 fathoms. This area could be increased if necessary by the construction of training walls, and by dredging, as shown by blue lines on helio. to 1½ square mile.

I am of opinion that this area would be sufficient for the Federal Port for many years to come ; but in the future it might be necessary to construct the breakwater shown by brown lines on the helio.

This

This would be 4,860 feet long, and would cost £450,000. It would add an additional  $4\frac{1}{2}$  square miles of safe anchorage. It would not be necessary to construct the breakwater before proceeding with the necessary wharf accommodation as there is sufficient protection even now to enable vessels to load and discharge in all but the heaviest easterly or north-easterly weather, and even with these winds vessels would be safely anchored in the Bay. The holding ground is good over the whole of Twofold Bay.

*Stone Available for Breakwater.*—It is unfortunate that suitable stone for breakwater work is not to be had on the southern shore of the Bay. The geological formation of the district is Devonian shale overlain in places by coarse sandstone altered in many cases. The shale is much contorted and cannot be quarried into large blocks. It is, therefore, useless for breakwater work, but might be used for sea walls, reclamations, facings, &c., as it is very hard and durable.

The nearest sandstone which could be obtained in large blocks of 20 to 30 tons is found near the entrance to Curralo Lake (shown on attached helio.). It is 3 miles from the wharf at Eden, and an additional  $9\frac{1}{2}$  miles of railway would be necessary to convey the stone to the breakwater at East Boyd. The cost of this railway is included in the estimate given above for the breakwater. The stone is fairly good on the weathered face of the cliff, and will show better, I think, as the work progresses. There is little or no stripping, and the cliff now has a face of about 60 feet.

A quantity of coarse sandstone, of apparently inferior quality, is exposed on the cliff face near Block No. 23 of the town subdivision. This may be found to turn out well when the railway cutting is being made through it, but I do not anticipate any very good results from it.

A belt of diorite, running nearly east and west, is crossed by the proposed railway about 100 yards north of the Eden wharf, but it is useless where large blocks of stone are required.

Some fairly good building stone is found at Bell-bird Creek and near the junction of the Old-Hut Creek road and the Eden-Towamba road.

*Wharfs, Docks, &c.*—It will probably be necessary to construct only two wharfs, each about 1,200 feet long, for the immediate requirements of the proposed port. These are shown as Nos. 1 and 2 on the plan; and as they are situated in the most sheltered position in the bay, vessels could lie comfortably alongside in all but the severest weather before the proposed breakwater is commenced. These wharfs, if built 50 feet wide, would accommodate eight vessels of large tonnage, and would cost £30,000 each.

A favourable position for a graving dock is now occupied by the small lagoon near East Boyd house. It will probably not be required for many years, when its size would be determined by the class of vessel then in vogue.

An estimate of its cost might vary from £100,000 to £200,000.

*Site for Township.*—The land now occupied by portions Nos. 24 and 25 is most favourably situated for subdivision into township blocks. The gently undulating land has an easterly slope to the sea, so that all stormwater drainage would be discharged outside the proposed harbour, while all sewerage could be emptied into the ocean a little to the south of Red Point. Large wool, grain, and produce stores, and the railway station, would find a place on the flat land to be reclaimed by diverting the Towamba River into its natural course, and pumping the sand from the sea bottoms, outside the retaining wall, on to the area thus made available. No more favourable site for a seaport town in connection with a large Federal city could be found. It is sheltered from the cold westerly winds and the hot north-westers, as well as the strong southerlies and south-westerlies, while the cooling north-east and easterly breezes in summer would make the climate as nearly perfect as possible.

*Timber.*—Some very fine timber for engineering purposes is to be obtained in the immediate vicinity of Twofold Bay. The most plentiful, as well as the best timber, is grey box (*Eucalyptus hemiphloia*), and I saw a good deal of woollybutt (*Eucalyptus longifolia*) and grey ironbark (*E. paniculata*). Stringybark (*E. Muelleriana*) and blackbutt (*E. pilularis*) are also plentiful, while good spotted gum (*E. maculata*) is found as far south as Bega.

The price in Eden of undressed timber of small scantling is 10s. per 100 feet super. For wharf girders and planking the price is per cubic foot.

*Clay.*—In consequence of the small demand for bricks, the clays of the district have not been exhaustively examined, and bricks are made from the surface clay, containing far too much sand.

I saw many indications of good stiff clay suitable for bricks both on the north and south sides of the bay, and have no doubt that a first-class brick could be turned out with careful burning.

*Sand.*—Good sharp clean sand is to be found in abundance all over the district.

*Water Supply.*—The question of water supply to a town of, say, 10,000 people at Twofold Bay is a difficult one, and requires more time than I could devote to it. Bellbird, Shadrack's, and Nullica Creeks were examined, but when the required elevation was reached, the watershed of each was found to be far too small.

An ample supply might be obtained from the Towamba River with an off-take near its junction with the Wog Wog River, but this would require a supply pipe 28 miles long.

It is possible that a closer examination of the ranges in the vicinity of Mount Imlay would result in a favourable scheme being discovered.

The average rainfall of the district is 39 inches, but the geological formation of the country is not favourable to the storage of water. It is, therefore, desirable that the general flow of the stream from which the supply is obtained should be nearly, if not quite, equal to the demand.

The formation at Towamba is a porphyritic granite, and is, therefore, more suitable for water storage than the Devonian shales before referred to; but I would suggest that a further examination of the country be made before a scheme for water supply is decided upon.

GERALD H. HALLIGAN, F.G.S.,  
Government Hydrographer.

## Annexure E.

Dear Mr. Oliver,

Botanic Gardens, Sydney, 13 August, 1903.

I have glanced through the Report of the Commonwealth Royal Commissioners on Sites for the Seat of Government.

I am so situated, with the usual pressure of winter work and other matters, that I cannot give much attention at the present time to the portion of the Report which refers to the soil capabilities, but I must say that that portion of the Report has not been much gone into.

I did not go to Tumut, through indisposition and pressure of official duties. I was not called as a witness by the Royal Commission on any horticultural (or indeed any other) matter, but I gave information to one of the Commissioners respecting the timbers found on the various Sites.

I visited Eden-Bombala and made careful observations.

I append a list of plants I found flourishing on or about the Bombala site; the list speaks for itself to those who know how to interpret soil and climate by means of the vegetation. On the tops of the hills it is undoubtedly bleak; but the site, as a rule, contains such excellent soil, and water is so readily available, that I believe I could grow any temperate plants upon it, and grow them well. No landscape gardener would experience difficulty in raising shelter belts of trees. I must say I was much impressed by the Bombala site, and believe it could be turned into a garden city. The so-called English fruits thrive admirably.

The district grows excellent grasses; I doubt whether there is a better all round turf in any other part of New South Wales.

I am much surprised to see, at page 78, that our Director of Agriculture looks upon Bombala as inferior in productiveness to Bathurst. While it is difficult to place a number of sites in order of merit as regards soil productiveness, I should like to see the evidence on which Bombala was given this low place.

I will visit Tumut when I can get away, but it is very hard for me to leave Sydney.

Yours sincerely,

J. H. MAIDEN.

## PLANTS FLOURISHING NEAR THE BOMBALA FEDERAL SITE.

*Trees.*

Pinus (Pine).	Gleditschia.
Abies (Fir).	Edible Chestnut.
Larix (Larch).	Prunus Pissardi (fruits well).
Cupressus (Cypress).	Araucaria imbricata (Monkey Puzzle).
Æsculus (Horse Chestnut).	Ailanthus.
Linden.	Elm.
Aspen.	" Wych.
Arbutus.	" Chinese.
Robinia.	Cork Oak.
Ash (Fraxinus).	Olive, apparently flourishing, but has not flowered yet.
Mountain Ash (Pyrus).	Loquat makes a good tree, but it is a tree that blossoms in winter, and the flowers are cut back by the frost.
Poplar.	Sycamore.
Willow.	
Elder.	
Acacia Baileyana.	
Quercus (Oak).	

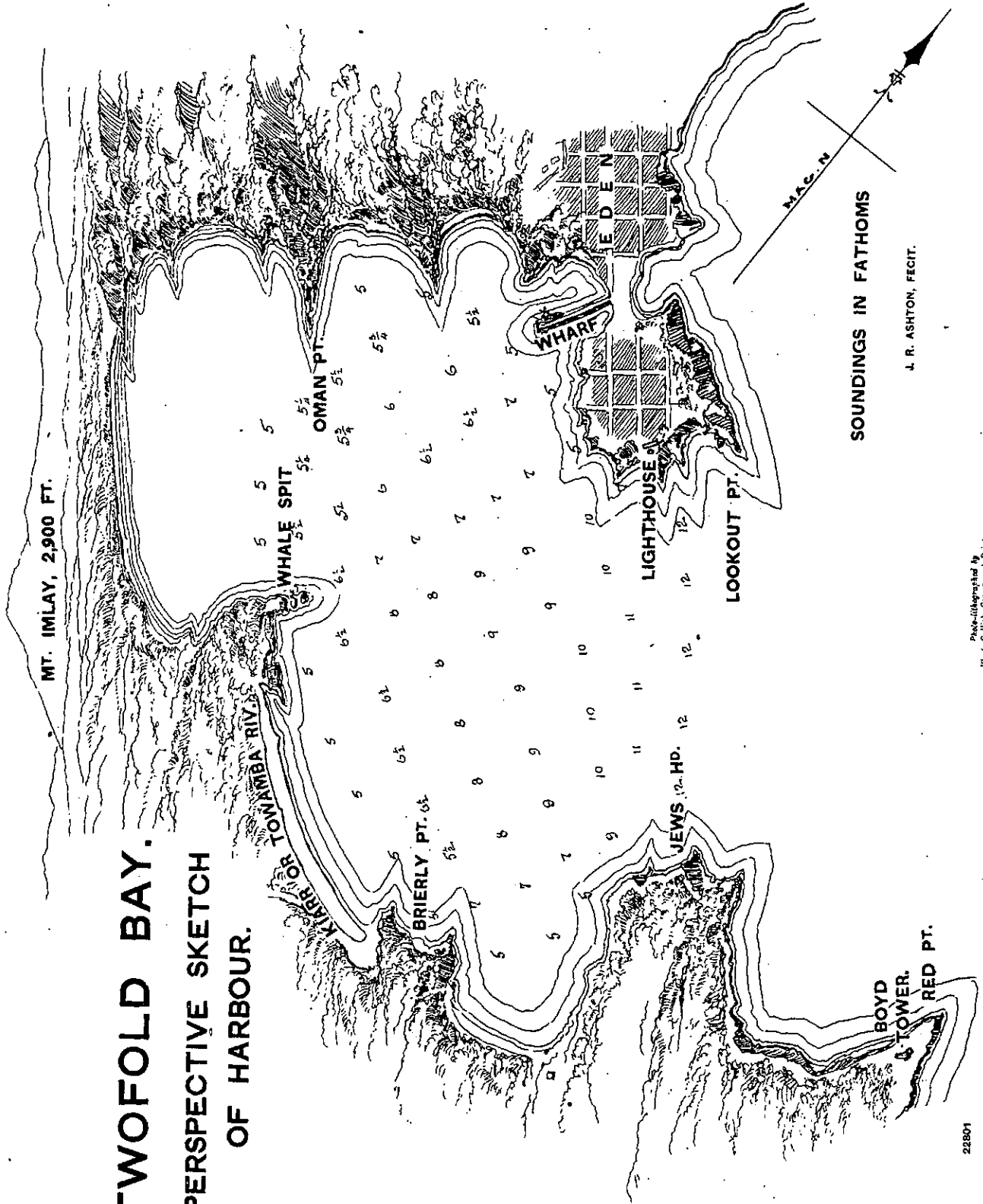
*Shrubs, &c.*

Rhododendron.	Laburnum.
Pæony.	Berberis.
Philadelphus.	Photinia.
Yucca.	Viburnum Tinus.
Spartium.	" Opulus.
Deutzia.	Hedera (Ivy) of sorts.
Solomon's Seal.	Wistaria.
Weigelia.	Lilac.
Spiræa.	Lonicera (Honeysuckle).
Cotoneaster.	Ilex (Holly).
Rosemary.	Buxus (Box of Europe).
Pampas Grass.	Phormium tenax (N.Z. Flax).
Ligustrum.	Aucuba (Spotted Laurel).
Euonymus.	Erica.
Eccremocarpus scaber (fruits here).	Escallonia macrantha.
Choisya ternata.	Oxalis borders superb.
Nandina domestica.	Abutilon vexillarum.
Ceanothus azureus (extraordinarily fine).	Daphne.
Cratægus.	New Zealand Olearias.
Jasminum fruticans.	

[2 Plans.]



# TWOFOLD BAY. PERSPECTIVE SKETCH OF HARBOUR.



J. R. ASHTON, F.C.T.I.

Photo-lithographed by  
W. A. Gillies, Government Printer,  
Sydney, N.S.W.

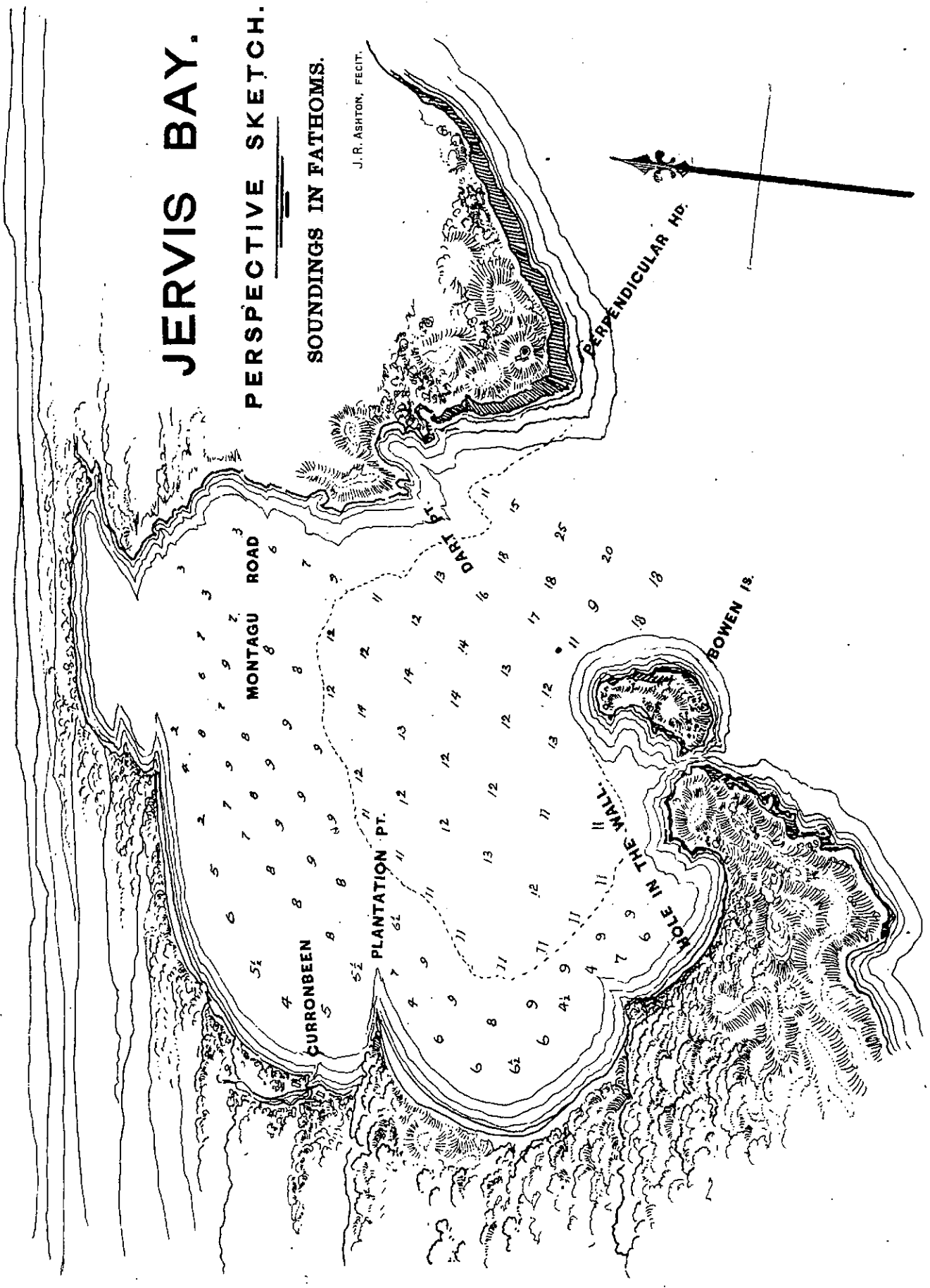


# JERVIS BAY.

## PERSPECTIVE SKETCH.

### SOUNDINGS IN FATHOMS.

J. R. ASHTON, FECIT.







1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

POSTAGE ON NEWSPAPERS.

(CORRESPONDENCE RESPECTING.)

*Printed under No. 18 Report from Printing Committee, 12 November, 1903.*

[Laid upon the Table of this House in answer to Question No. 9, of 2 September, 1903.]

Question.

*Subject:—Postage on Newspapers.*

Dr. Ross asked the Colonial Secretary,—(1) Is he aware that metropolitan daily and weekly papers are delivered in Sydney and suburbs at cost price, whereas residents in country districts are charged postage on all papers that pass through the Post Office; if so, will he consider whether it is not desirable, on behalf of residents in the interior, that the Government should take some steps to approach the Postmaster-General of the Commonwealth, in order to bring about a more equitable uniform system of the delivery of newspapers in place of compelling residents in the interior to pay postage on papers that are delivered free in Sydney?

(2.) Will he, as the head of the State Government, consider whether it is a fair or reasonable thing that one section of the community should be taxed while another section is allowed to go free?

(3.) Can he inform this House the amount of revenue that is derived annually from postage on newspapers that are circulated throughout the interior of the State of New South Wales, and the number of copies that pass through the various post-offices during the same period?

Mr. O'Sullivan answered,—As this is a matter which relates to the Federal Government, the Prime Minister regrets that he is unable to give the Honorable Member any information with regard to it. He will, however, communicate with the Prime Minister of the Commonwealth on the subject.

Answer.

(Copy.)

Letter to Federal Premier, 3/9/03.

Commonwealth of Australia, Department of External Affairs,

Sir, Melbourne, 8 September, 1903.

I have the honor to acknowledge the receipt of your letter, of the 3rd instant, enclosing a series of questions addressed to you in the Legislative Assembly by Dr. Ross, M.L.A., concerning the postage on newspapers, and to inform you that the matter will receive consideration immediately.

I have, &c.,

(Signed) EDMUND BARTON.

The Honorable The Premier of New South Wales, Sydney.

(Copy.)

Commonwealth of Australia, Department of External Affairs,

Sir, Melbourne, 20 October, 1903.

In continuation of my letter of the 8th September, in which the receipt of yours of the 3rd idem, forwarding a series of questions asked by Dr. Ross in the Legislative Assembly of your State on the subject of the postage on newspapers was acknowledged, I have now the honor to inform you that, as promised, the matter has received the attention of my colleague, the Postmaster-General, who advises me that replies should be furnished in the following terms:—

1. The charges for the delivery of newspapers in Sydney, its suburbs, or in the country districts of New South Wales, are entirely a matter of arrangement between the newspaper proprietors and their customers, with which the Postmaster-General is not concerned, and over which he has no control.
2. No discrimination is exercised by the Post Office between one section of the community and any other section. All messages transmitted and delivered through the Department are charged the rate of postage prescribed by law.
3. The law under which postage is paid on newspapers sent by post in New South Wales has not been in operation for a year; the information asked for cannot therefore be given.

I have, &c.,

(Signed) ALFRED DEAKIN.

The Honorable the Premier of New South Wales, Sydney.

1907

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1903.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## GENERAL ELECTION, 1901.

(SYNOPSIS OF VOTING ON 3RD JULY.)

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*Printed under No. 1 Report from Printing Committee, 9 July, 1903.*

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## Number of VOTES polled at each POLLING-PLACE.

Electorate.	Polling-place	Names of Candidates.			Informal Votes.	Total number of Votes recorded.
		Ball, Richard Thomas.	Griffith, Thomas Hunter.			
Albury ...	Albury ...	580	522	7	1,109	
	Bowna ...	40	40	2	82	
	Brocklesby ...	14	15	2	31	
	Bungowannah ...	14	52	0	66	
	Burrumbuttock ...	32	21	3	56	
	Gerogery ...	33	27	0	60	
	Howlong ...	64	66	5	135	
	Jindera ...	48	82	7	137	
	Moorwatha ...	2	25	0	27	
	Mullengandra ...	15	14	0	29	
	Sydney ...	4	4	0	8	
	Wagra ...	2	31	1	34	
	Walla Walla ...	34	2	0	36	
	Total ...	882	901	27	1,810	
Alma ...		Colliss, William.	Williams, Wm. Jno.	Wright, Jabez.		
	Eyre-street, Alma ...	3	119	115	0	237
	Mica-street South, Broken Hill ...	15	348	327	0	690
	Patton-street, Alma ...	4	289	232	0	525
	Proprietary Mine, Broken Hill ...	0	77	55	0	132
	William-street South, Broken Hill ...	3	41	54	0	98
	Total ...	25	874	783	0	1,682
Annandale ...		Cohen, Isaiah Reginald.	Kimber, Richard Henry.	Mahony, William Henry.		
	Glebe Town Hall ...	413	1	456	8	878
	St. Aidan's Hall ...	601	8	641	3	1,253
	Sydney School of Arts ...	68	0	90	1	169
	Total ...	1,082	9	1,187	12	2,290
Argyle ...		Isaac, Francis.	Rose, Thomas.			
	Bannaby ...	8	23	0	31	
	Big Hill ...	6	20	0	26	
	Binda ...	20	20	0	40	
	Bolong ...	20	17	0	37	
	Boxer's Creek ...	7	18	0	25	
	Crookwell ...	116	190	0	306	
	Golspie ...	19	46	1	66	
	Greenwich Park ...	0	20	0	20	
	Gurrundah ...	2	32	0	34	
	Kenmore Bridge ...	78	132	1	211	
	Kialla ...	6	68	0	74	
	Laggan ...	23	53	0	76	
	Marulan ...	30	64	0	94	
	Middle Arm ...	4	28	0	32	
	Mummell ...	21	59	1	81	
	Parkesburne ...	19	29	1	49	
	Taralga ...	65	159	1	225	
	Tarlo ...	17	18	1	36	
	Towrang ...	21	26	1	48	
Wombeyan Caves ...	3	10	0	13		
Woodhouselee ...	29	27	2	58		
	Total ...	514	1,059	9	1,582	

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.			
		Lonsdale, Edmond.	Wilson, Charles Graham.						
Armidale	Aberfoyle	22	16		1	39			
	Armidale	465	498		8	971			
	Booroolong	9	9		0	18			
	Black Mountain	29	46		0	75			
	Dumaresq	17	65		0	82			
	Guy Fawkes	12	26		0	38			
	Hillgrove	252	139		11	402			
	Metz	33	26		0	59			
	Paddledock	2	22		0	24			
	Rockvale	32	21		1	54			
	Sydney	10	6		0	16			
	Thalgarrah	11	11		0	22			
	Warialpa	0	6		0	6			
	Wollomumbi	41	16		1	58			
	Total	955	907		22	1,864			
Ashburnham		Reymond, Joseph Bernard.	Bavister, Thomas.	Calder, Frank.					
	Back Daroubalgie	17	1	4	0	22			
	Bunbury	11	14	0	0	25			
	Carrawobbity	13	0	4	0	17			
	Cookamidgera	14	10	1	0	25			
	Cook's Myall	13	2	0	0	18			
	Engowra	37	30	6	2	75			
	Forbes	573	173	104	8	918			
	Goobang	40	6	0	0	46			
	Gunningbland	15	6	4	0	25			
	Kamandra	27	6	0	0	33			
	Parkes	250	338	33	2	632			
	Parkesborough	22	15	10	0	47			
	Tichbourne Lead	37	4	17	0	58			
	Total	1,681	605	243	12	1,941			
Ashfield...		Winchcombe, F. E.							
	Ashfield Hall (late School of Arts), Ashfield Congregational School Hall, Croydon Hall, Carlton Crescent, Summer Hill	Uncontested.			.....	.....			
Ballina		Perry, John.	Temperley, Thomas.	Russell, Thomas, jun.	Dutton, Samuel.				
	Astonville	151	42	20	9	222			
	Ballina	239	95	30	3	430			
	Brooklet	52	25	3	0	82			
	East Coraki	54	1	13	0	68			
	German Creek	20	11	9	0	40			
	Pearce's Creek	12	36	0	2	50			
	Rous	111	28	7	1	149			
	Tintenbar	61	29	33	2	125			
	Wardell	76	19	39	12	147			
Woodburn	29	19	19	1	68				
	Total	805	305	233	30	1,381			
Balmain North..		Mac-dougall.	Milne.	Murdoch.	Storey.	Ward.			
	Balmain	37	331	357	806	182	12	1,725	
	Sydney	25	80	148	116	95	0	464	
	Total	62	411	505	922	277	12	2,189	
Balmain South...		Donnelley.	Gray, J. P.	Law, S. J.	Morris, R.	Pacey, W. H.	Tighe.		
	Central Hall	124	239	332	3	14	18	.....	730
	Erskine-street, Sydney	42	100	118	0	7	8	.....	275
	St. Thomas'	223	532	963	2	9	54	.....	1,783
	Total	389	871	1,413	5	30	80	27	2,315

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.
		Willis, William N.	Wright, William H.			
Barwon, The ...	Angledool ... ..	49	29	2	80	
	Ballaree ... ..	10	2	0	12	
	Beemery ... ..	4	0	0	4	
	Boorooma ... ..	40	4	0	44	
	Borah Tank ... ..	9	7	0	16	
	Brewarrina ... ..	182	43	3	228	
	Bundabulla ... ..	16	0	0	16	
	Carinda ... ..	47	24	2	73	
	Chanceedale ... ..	8	6	0	14	
	Charlton ... ..	7	3	0	10	
	Collarendabri ... ..	44	15	1	60	
	Comborah Springs ... ..	29	6	0	35	
	Curribric ... ..	6	0	0	6	
	East Bogan ... ..	4	1	0	5	
	Fairfield ... ..	13	4	0	17	
	Flemington ... ..	3	3	0	6	
	Goodooga ... ..	37	24	0	61	
	Goondablouie ... ..	17	2	1	20	
	Greig's Selection ... ..	9	6	0	15	
	Lissington ... ..	2	1	0	3	
	Lower Marra Creek	24	1	0	25	
	Milroy ... ..	11	4	0	15	
	Mogil Mogil ... ..	7	2	0	9	
	Moongulla ... ..	23	11	0	34	
	New Prospect ... ..	8	3	0	11	
	Old Bangate ... ..	8	1	0	9	
	Sydney ... ..	14	2	0	16	
	Tatala ... ..	22	14	1	37	
	The Grawin ... ..	10	10	0	20	
	Upper Marra Creek	11	3	0	14	
	Walgett ... ..	116	178	3	297	
	Weetalibah ... ..	11	8	0	19	
	Willawillingbah ... ..	8	1	0	9	
Willie Station ... ..	8	4	0	12		
	Total ... ..	817	422	13	1,252	
Bathurst ...		Innes, Jacob.	Machattie, Geo. Ed.	Young, William White.		
	Bathurst Court-house ... ..	4	670	638	24	1,336
	Evans' Plains ... ..	0	21	16	2	39
	Kelso ... ..	1	51	60	5	117
	Orton Park ... ..	0	15	23	1	39
	Railway ... ..	3	77	167	4	251
	West Bathurst ... ..	0	51	35	1	87
White Rock ... ..	1	5	19	0	25	
	Total ... ..	9	890	938	37	1,894
Bega ... ..		Boot, William.	Braike, William Henry.	Clarke, Henry.		
	Bega ... ..	275	29	355	0	659
	Bemboka ... ..	80	1	59	0	140
	Bermagui ... ..	43	2	48	0	93
	Brickyards, near Tathra ... ..	6	2	41	0	49
	Brogo ... ..	8	0	23	0	31
	Candelo ... ..	95	1	105	0	201
	Cobargo ... ..	88	1	84	0	173
	Junction Tuross River and Reedy Creek	7	0	4	0	11
	Mogilla ... ..	12	0	14	0	26
	Numbngga ... ..	24	0	23	0	47
	Quaama ... ..	19	0	47	0	66
	Tanja ... ..	13	0	17	0	30
	Tantawanglo ... ..	8	2	19	0	29
	Wandellow ... ..	15	0	14	0	29
Wolumla ... ..	24	7	72	0	103	
	Total ... ..	717	45	925	16	1,703

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.
		Moore, S. W.			
Bingara ...	Barraba ... Ben Lomond ... Bingara ... Boggy Camp ... Bora Creek Silver-mines ... Bundarra ... Cobbadah ... Crow Mountain ... Gulf Creek ... Guyra ... Horton River ... Manilla ... Pallal ... Tenterden ... Tingha ... Upper Bingara ... Upper Manilla ... Wandsworth ... Wongo Creek ... Wood's Reef ... Yarrowyck ...	Uncontested.		.....	.....
Boorowa ...	Berremangra ... Binalong ... Boorowa ... Breakfast Creek ... Frogmore ... Galong ... Gunning Flat ... Harden ... Hughstonia ... Jerringoman ... McMahon's Reef ... Mewburn ... Murrumburrah ... Rye Park ... Wallendbeen ... Wombat ...	Nielsen, Niels Rasmus Wilson.	O'Leary, Herbert David.	0 3 4 1 0 0 1 2 0 0 1 0 2 0 0 3 0	20 100 266 27 60 54 45 192 28 29 33 53 269 83 117 116
		19	1		
		63	34		
		209	53		
		10	16		
		54	6		
		43	11		
		30	14		
		170	20		
		24	4		
		23	6		
		25	12		
		49	4		
		148	119		
75	8				
89	25				
97	19				
Total	1,128	352	17	1,497	
Botany ...	Banks' Meadow ... McEvoy-street, Waterloo... Mitchell-road, Alexandria ... Queen's Hall, Sydney ... School of Arts, Botany ... Town Hall, North Botany ...	Dacey, John Rowland.	Stephen, William.	0 10 2 0 3 8	236 669 206 69 467 639
		117	119		
		416	243		
		157	47		
		30	39		
		219	245		
297	334				
Total	1,236	1,027	23	2,266	
Bourke ...	Barringun ... Bourke ... Dunlop ... Emgonia ... Ford's Bridge ... Grass Hut ... Gumbatic ... Hungerford ... North Bourke ... Pera ... The Bourke Meat Works... Tinapagee ... Toorale Station ... Wanaaring ... Yantabulla ... Youngaringa ... 75-mile Bore	Davis, W. W.		.....	.....
		Uncontested.			

Electorate.	Polling-places.	Names of Candidates.										Informal Votes.	Total number of Votes recorded.
		McCourt, W.											
Bowral ...	Balmoral ... Barber's Creek ... Bargo ... Berrima ... Bowral ... Bundanoon ... Excter ... Glenquarry ... Joadja ... Mittagong ... Moss Vale ... Sutton Forest ... Wingello ... Yarrunga ...	Uncontested.										.....	.....
Braidwood ...	Araluen ... Araluen, Lower ... Ballallaba ... Braidwood ... Bungonia ... Elrington ... Jembaicumbene ... Jinglemoney ... Krawarree ... Larbert ... Marlowe ... Mongarlowe... Nerriga ... Oallen Crossing ... Reidsdale ... Tiranna ... Tarago ... Windellama...	Chapman, A. E.	Fraser, A.	Gordon, F. P.	Higgins, R. M.	Horberry, W.	Henry, E. J.	Kenny, J.	O'Brien, F. D.	O'Sullivan, R. E.			
		80	0	2	24	0	5	1	41	0	7	160	
		15	0	0	2	0	0	0	3	0	1	23	
		13	0	2	7	0	1	0	3	0	3	34	
		166	4	15	181	3	24	0	76	0	23	492	
		27	0	0	31	0	0	0	13	0	3	74	
		29	6	3	59	0	0	0	13	2	8	120	
		14	0	0	15	0	1	0	29	0	2	61	
		9	1	0	6	0	0	0	6	0	0	22	
		34	0	0	3	0	0	0	14	0	2	53	
		7	2	11	6	0	0	0	3	0	0	29	
		17	0	0	14	0	0	0	0	0	2	33	
		52	1	5	53	0	9	0	2	0	3	125	
		36	0	7	3	0	2	0	0	0	6	54	
		20	0	1	10	0	1	0	1	0	0	33	
		19	0	0	11	0	1	0	10	0	1	42	
		14	1	17	14	0	1	0	0	0	1	45	
		56	0	5	12	0	1	0	7	0	3	94	
		18	0	2	25	0	0	0	0	0	4	40	
	Total ...	640	15	70	483	3	46	1	223	2	69	1,552	
Broken Hill ...	Oxide-street... Thomas-street Town Hall ...	Cann, John Henry.					Counsell, Charles Isaac.						
		116					13					1	127
		75					4					0	79
		1,000					75					16	1,181
	Total ...	1,251					89					17	1,357
Barwood ...	Burwood ... Concord ... Five Dock ... Harwood School ... Mortlake ... Sydney ...	Archer, William.					Reiston, Alexander Gerard.						
		526					390					3	919
		195					48					0	243
		111					40					6	157
		45					16					0	61
		142					24					1	167
		65					76					0	141
	Total ...	1,084					594					10	1,688
Camden...	Appin ... Bringelly ... Brownlow Hill ... Burratorang ... Burratorang (Riley's) ... Camden ... Campbelltown ... Cox's River ... Douglas Park ... Glenfield ... Holdsworthy ... Ingleburn ... Menangle ... Minto ... Narellan ... Picton ... Paddy's Swamp ... The Oaks ... Thirlmere ... Strathfield, Cox's River ... Sydney ... Upper Burratorang ... Westbrook ... Wilton ... Yerranderie...	Blackmore, W. P.					Kidd, John.						
		9					35					0	44
		10					13					0	23
		10					29					1	40
		2					12					0	14
		3					17					0	20
		148					111					1	260
		60					208					0	268
		5					13					0	18
		11					21					0	32
		11					14					1	26
		9					4					0	13
		28					46					0	74
		35					41					0	76
		18					44					0	62
		21					55					0	76
		94					97					1	192
		3					29					0	32
		15					78					3	96
		34					26					1	61
		3					14					0	17
		6					22					0	28
		2					40					1	43
		29					37					0	59
		10					17					0	27
		9					21					0	30
	Total ...	585					1,037					9	1,631



Electorate.	Polling-places.	Names of Candidates.								Informal Votes.	Total number of Votes recorded.
		Parker, Frederic E.	Dalton, Thomas.	Giliver, William.	Mackenzie, Thomas P. H.	Slatyer, Hampton.	Taylor, Thomas Whitford.	Webster, Frederick William.			
Canterbury	Bankstown ...	0	0	30	14	4	50	1	2	101	
	Cabramatta ...	1	0	1	50	1	23	0	0	76	
	Canterbury ...	3	2	3	225	1	186	0	10	440	
	Enfield ...	0	4	5	191	2	221	0	8	431	
	Homebush ...	1	8	2	107	6	53	0	2	179	
	Hoxton Park ...	2	0	0	9	0	17	0	1	29	
	Liverpool ...	49	2	3	102	0	278	2	8	444	
	South Bankstown ...	0	0	7	27	0	23	0	0	57	
	St. John's Park ...	0	1	1	23	0	19	0	0	44	
	Strathfield ...	0	0	1	173	3	40	0	3	220	
	Sydney ...	0	0	0	127	1	71	0	0	199	
	Total ...	56	17	53	1,048	18	991	3	34	2,220	
			^			^		^	^		
Clarence, The	Angowrie ...	McFarlane, J.  Uncontested.									
	Brushgrove ...										
	Chatsworth Island ...										
	Harwood ...										
	Iluka ...										
	Lawrence ...										
	Maclean ...										
	Murrayville ...										
	Palmer Island ...										
	Shark Creek ...										
	Southgate ...										
	Tynedale ...										
	Ulmarra ...										
Upper Coldstream ...											
Yamba ...											
Colar	Billago ...	MacDonell, D.  Uncontested.									
	Buddabadah ...										
	Byerock ...										
	Canonba ...										
	Cobar ...										
	Compadore ...										
	Coolabah ...										
	Curraweena ...										
	Double Gates ...										
	Girilambone ...										
	Girilambone Copper-mine ...										
	Gongolgon ...										
	Gundabooka ...										
	Hermidale ...										
	Louth ...										
	Meryula Siding ...										
	Monkey ...										
	Mount Boppy ...										
	Nyngan ...										
	Tankarooka ...										
Tarcoon ...											
The Meadows ...											
The Peak ...											
Tiltagara ...											
Wrightville ...											
Wuttsgoona ...											

Electorate.	Polling-place.	Names of Candidates.					Informal Votes.	Total number of Votes recorded.
		Clara, Patrick James.	Nash, William Michael.	Stewart, Andrew.	Tasker, David Henry.	Wilkinson, William Boyce.		
Condoublin	Alectown ...	39	3	48	5	2	0	97
	Badjerribong ...	37	1	3	10	1	0	52
	Bohadah ...	48	0	2	9	0	0	59
	Bogan Gate ...	25	0	17	33	11	0	86
	Bulgandramine ...	2	0	6	0	2	0	10
	Bullock Creek ...	12	0	5	0	2	1	20
	Burrawang ...	19	0	14	3	0	0	36
	Condoublin ...	92	6	11	129	10	1	249
	Coradgery ...	1	4	1	4	0	0	10
	Craiglea ...	1	5	4	0	11	0	21
	Dandaloo ...	13	6	17	2	14	1	53
	Dandaloo Road ...	1	1	4	0	11	0	17
	Farrendale ...	1	14	0	0	0	0	15
	Fifield ...	6	11	18	5	0	2	42
	Keegan's Tank ...	3	0	0	3	2	0	8
	Lansdale's ...	4	0	18	3	3	0	28
	McPhail ...	70	0	62	3	0	2	137
	Mingelo ...	15	0	9	0	1	0	25
	Old Coradgery ...	9	3	6	3	0	0	21
	Peak Hill ...	89	6	175	7	6	1	284
	Platina ...	17	3	4	3	0	1	28
	Sydney ...	2	2	8	3	3	0	18
	Tabratong ...	1	0	1	0	13	0	15
	Tinda Tank ...	7	0	12	14	0	0	33
	Tomingley ...	6	2	68	2	2	0	80
	Trundle Lagoon ...	45	27	36	7	0	0	115
	Vermont Hill ...	2	0	4	9	0	0	15
Wallanbillon ...	4	2	2	0	0	1	9	
Warge Rock ...	0	0	5	0	0	0	5	
Wheatacre ...	4	0	0	11	1	1	17	
	Total ...	575	96	561	268	95	11	1,605
Coonamble		Macdonald, Hugh.			Reddan, John.			
	Balladoran ...	10			16		0	26
	Bennett's Flat ...	9			4		0	13
	Bourbah ...	18			3		0	21
	Box Ridge ...	23			9		0	32
	Buckinguy ...	8			8		0	16
	Bullagreen ...	16			13		0	29
	Bundemar ...	7			7		0	14
	Calga ...	9			11		0	20
	Claremont ...	1			11		0	12
	Collie ...	27			19		0	46
	Coonamble ...	255			129		1	385
	Curban ...	40			9		0	49
	Eenaweenah ...	0			4		0	4
	Gilgandra ...	80			6		0	86
	Gradgery ...	6			23		0	29
	Galargumbone ...	69			13		0	82
	Mount Harris ...	9			18		0	27
	Nevertire ...	39			19		0	58
	Quambone ...	32			35		0	67
Quilbone ...	8			17		0	25	
Tenandra ...	11			23		0	34	
Tooraweenah ...	25			25		0	50	
Walgett ...	18			1		0	19	
Warren ...	156			107		1	264	
Weetalibah ...	1			10		0	11	
Wingadee ...	18			17		0	35	
	Total ...	895			557		2	1,454
Cowra		Waddell, T.						
	Back Creek, at crossing of Grenfell Road	Uncontested.						
	Burnt Yards							
	Canowindra							
	Carcoar							
	Cowra							
	Cowra to Canowindra Road, at Wallaroo Hall							
	Cowra to Goolagong Road, at Walsh's							
	Cowra to Young Road, at Dennis Cass							
	Gully Swamp							
	Holmwood							
	Lumpy Swamp							
	Lyndhurst							
	Mandurama							
	Morongla Creek							
	Mount Macdonald							
Wolli								
Woodstock								

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.			
		Clarke, Thomas.	Neill, Thomas.	Sullivan, P. H.					
Darlington ..	Darlington ... ..	1,034	33	1,163	17	2,247			
	Sydney Booth ... ..	40	0	31	0	71			
	Total ... ..	1,074	33	1,194	17	2,318			
Deniliquin ...	Barham Crossing ... ..	4	30	9	1	24	21	3	101
	Barratta ... ..	1	17	1	1	0	0	0	20
	Booorooban ... ..	7	6	6	5	0	4	0	28
	Bundylumblah ... ..	0	4	0	0	0	2	0	6
	Conargo ... ..	5	19	8	5	0	6	0	43
	Coobool ... ..	13	1	0	2	0	3	0	19
	Cropwell ... ..	8	7	2	6	3	1	0	27
	Deniliquin ... ..	139	244	111	25	16	52	3	590
	Goolgumbula ... ..	1	11	0	0	14	0	0	26
	Mathoura ... ..	43	18	12	9	23	0	3	108
	Moama ... ..	38	16	31	7	198	2	3	295
	Moolpa ... ..	0	0	1	10	0	1	0	12
	Mooney Valley ... ..	2	0	0	6	0	0	0	8
	Moulamein ... ..	3	35	14	7	9	27	2	97
	Murray Downs ... ..	4	2	0	7	1	0	0	14
	Pine Hills ... ..	10	1	2	0	0	10	0	23
	Stoney Crossing ... ..	7	0	0	2	1	3	1	14
	Tulla ... ..	0	0	0	3	0	3	0	6
	Tuppall ... ..	0	9	5	2	0	7	0	23
	Wambo ... ..	6	1	8	0	42	1	3	61
	Wangonilla ... ..	2	22	9	3	0	5	1	42
Total ... ..		293	452	219	101	331	148	19	1,563
Dubbo ... ..	Belarbigal ... ..	13		31		2			46
	Beni ... ..	12		14		2			28
	Brocklehurst ... ..	16		15		4			35
	Bundemar ... ..	12		1		0			13
	Bunglegumbie ... ..	13		6		1			20
	Bunninyong... ..	6		6		1			12
	Coalbaggie ... ..	12		6		16			34
	Dubbo ... ..	565		282		111			958
	Eschol ... ..	28		3		1			32
	Jones' Creek ... ..	1		7		0			8
	Medway ... ..	5		2		6			13
	Minor ... ..	17		8		0			25
	Minor Siding ... ..	9		4		0			13
	Murrumbidgee ... ..	31		11		10			52
	Narromine ... ..	186		21		96			303
	Obley Road ... ..	10		4		1			15
	Sydney ... ..	16		6		0			22
	The Yarran ... ..	3		1		0			4
	Timbrecongie ... ..	18		1		4			23
	Trangie ... ..	118		57		46			221
Weemabah ... ..	4		6		0			10	
Total ... ..		1,094	492		301		9	1,896	
Durham... ..	Allynbrook ... ..	Bennett, W.							
	Bandon Grove ... ..	Uncontested.							
	Brookfield ... ..	Uncontested.							
	Clarence Town ... ..	Uncontested.							
	Dungog ... ..	Uncontested.							
	Eccleston ... ..	Uncontested.							
	Gresford ... ..	Uncontested.							
	Hinton ... ..	Uncontested.							
	Lamb's Creek ... ..	Uncontested.							
	Largs... ..	Uncontested.							
	Lostock ... ..	Uncontested.							
	Paterson ... ..	Uncontested.							
	Seaham ... ..	Uncontested.							
	Underbank ... ..	Uncontested.							
	Vacy... ..	Uncontested.							
	Wangat ... ..	Uncontested.							

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Tot: 1 number of Votes recorded.						
		McTernan, Bernard.	Wood, William Herbert.								
Eden-Bombala..	Bibbenluke ... ..	35	7	0	42						
	Bombala ... ..	145	222	1	368						
	Burragate ... ..	11	17	1	29						
	Cathcart ... ..	44	32	0	76						
	Corrowong ... ..	19	29	0	48						
	Craigie ... ..	11	23	0	34						
	Delegate ... ..	44	103	5	152						
	Eden ... ..	15	60	0	75						
	Holt's Flat ... ..	37	7	0	44						
	Kiah River ... ..	2	21	0	23						
	Lochiel ... ..	9	23	0	32						
	Merimbula ... ..	6	26	1	33						
	Mila ... ..	6	16	0	22						
	Nethercote ... ..	0	18	0	18						
	Pambula ... ..	43	62	0	105						
	Pericoe ... ..	4	21	0	25						
	Pipe Clay Creek ... ..	15	29	0	44						
	Rockton ... ..	5	16	0	21						
	Rocky Hall ... ..	17	18	0	35						
	Timberly Range ... ..	16	6	0	22						
	Towamba ... ..	8	35	0	43						
Wyndham ... ..	31	49	0	80							
Yambulla ... ..	35	23	0	63							
	Total ... ..	558	868	8	1,434						
Glebe ... ..	Broadway ... ..	Abrams, L. O.	Cole, S. L.	Hogue, J. A.	Strong, P.	Tate, Win. T.	94	1,167			
		166	82	448	158	219					
		Record Reign Hall...	173	107	427	119			187	7	1,020
		School of Arts, Sydney	19	34	61	12			15	1	142
	Total ... ..	358	223	936	289	421	102	2,320			
Glen Innes	Argenton ... ..	Chauder, Thomas.	Thomas, Pollet Johns.	Wright, Francis Augustus.	0	3					
		3	0	0							
		Bald Nob ... ..	4	10			13	0	27		
		Ben Lomond ... ..	2	5			8	0	15		
		Clarcvaux ... ..	9	3			14	0	26		
		Dundee ... ..	23	13			22	1	59		
		Emmaville ... ..	165	12			53	2	232		
		Glencoe ... ..	23	23			20	1	72		
		Glen Elgin ... ..	3	11			4	0	18		
		Glen Innes ... ..	103	282			291	5	681		
		Glenross ... ..	1	3			3	0	7		
		Guyra ... ..	10	5			45	0	60		
		Hadbury ... ..	14	7			4	0	25		
		Kookabookra ... ..	5	14			12	1	32		
		Oban ... ..	8	7			9	0	24		
		Red Range ... ..	8	25			20	3	65		
		Strathbogie ... ..	3	0			8	1	12		
		Sydney ... ..	2	3			7	1	13		
Tent Hill ... ..	25	10	25	0	61						
Waterloo ... ..	3	9	6	1	19						
Wellingrove... ..	2	10	10	2	24						
	Total ... ..	421	452	584	18	1,475					

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.
		Lee, Alfred Charles.	Price, Richard Atkinson.		
Gloucester	Barrington ... ..	18	30	0	48
	Booral ... ..	4	39	0	43
	Bullade'ah ... ..	5	95	1	101
	Bungwall Flat ... ..	2	44	0	46
	Clarkson's Crossing ... ..	4	67	0	71
	Cooloongolook ... ..	1	27	0	28
	Copeland ... ..	6	32	0	38
	Forster ... ..	10	46	0	56
	Glencrock ... ..	0	30	0	30
	Gloucester ... ..	5	17	0	22
	Kauthi ... ..	6	9	0	15
	Kramback ... ..	29	47	0	76
	Limeburner's Creek ... ..	5	8	0	13
	Lower Wallamba ... ..	2	25	0	27
	Miller's Forest ... ..	24	46	0	70
	Monkerai ... ..	12	9	0	21
	Nelson's Bay ... ..	2	28	1	31
	Nelson's Plains ... ..	6	13	0	19
	Rawdon Vale ... ..	1	9	0	10
	Raymond Terraco ... ..	36	120	1	157
	Sawyer's Point ... ..	6	12	0	18
	Stroud ... ..	34	57	0	91
	Ten Gardens ... ..	3	30	0	33
	The Branch ... ..	1	21	0	22
	Tuncurry ... ..	10	28	0	38
	Upper Gloucester ... ..	2	9	0	11
	Upper Myall ... ..	1	18	0	19
Ward's River ... ..	0	16	0	16	
Williamtown ... ..	20	49	0	69	
	Total ... ..	255	981	3	1,239
Goulburn		Ashton, James.	Toomey, James.		
	East Goulburn ... ..	37	18	.....	55
	Goulburn ... ..	782	401	.....	1,183
	North Goulburn ... ..	98	101	.....	199
	South Goulburn ... ..	30	34	.....	64
	Total ... ..	947	554	8	1,509
Grafton ...		See, John.	Wileox, Frederick Wm.		
	Alumny Creek ... ..	22	0	0	22
	Apple-tree Flat ... ..	16	0	1	17
	Burragan ... ..	17	0	0	17
	Central Orara ... ..	15	2	2	19
	Chambigne ... ..	12	2	0	14
	Copmanhurst ... ..	40	1	1	42
	Coutt's Crossing ... ..	24	0	0	24
	Deep Gully Bridge... ..	41	0	0	41
	Katonsville ... ..	23	1	0	29
	Grafton ... ..	399	23	5	427
	Lionsville ... ..	13	4	0	17
	Nymboida ... ..	17	0	0	17
	Newbold ... ..	5	0	0	5
	Newton-Boyd ... ..	5	0	0	5
	Ramernic ... ..	26	4	0	30
	Seelands ... ..	18	0	0	18
South Grafton ... ..	114	14	0	128	
Stockyard Creek ... ..	18	0	0	18	
Upper Kangaroo Creek ... ..	13	1	0	14	
	Total ... ..	843	52	9	904
Granville		Nobbs, John.	Windsor, W. H.		
	Auburn Council Chambers ... ..	293	90	2	385
	Granville School of Arts ... ..	563	213	5	781
	Merrylands ... ..	68	20	0	88
	New Town Hall, Rookwood ... ..	235	99	2	336
	Sydney Meat Preserving Co.'s Works (Auburn) ... ..	83	53	2	138
	Sydney ... ..	57	22	0	79
	Total ... ..	1,299	497	11	1,807

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.		
		Grimm, Arthur Hetherington.	Holman, William Arthur.				
Grenfell...	Barmedman...	63	66	0	129		
	Bena ...	21	14	0	35		
	Billy's Lookout ...	21	14	0	35		
	Bimbie ...	43	36	0	79		
	Bumbaldry ...	6	9	0	15		
	Bygaloree ...	4	11	0	15		
	Eulong ...	16	8	0	24		
	Goolagong ...	7	55	0	62		
	Grenfell ...	255	338	0	593		
	Kildary ...	12	16	0	28		
	Marsden ...	28	18	0	46		
	Milby ...	16	0	0	16		
	Moonby ...	18	16	0	34		
	Morangorell... ..	14	1	0	15		
	Nag's Head ...	12	6	0	18		
	North Yalgogrin ...	44	12	0	56		
	Ooma... ..	4	2	0	6		
	Piney Range ...	31	25	0	56		
	Pinnacle Reefs ...	26	36	0	62		
	Recfton ...	13	16	0	29		
	South Condoblin ...	18	12	0	30		
	South Yalgogrin ...	9	5	0	14		
	The Gap ...	11	8	0	19		
	Thuddungra ...	9	15	0	24		
	Tinpot Alley ...	13	19	0	32		
	Tomanbil ...	12	9	0	21		
	Trunglie ...	9	6	0	15		
Tyagong Creek ...	16	10	0	26			
Ungarie ...	13	6	0	19			
Warroo ...	22	17	0	39			
West Milby... ..	8	12	0	20			
West Wyalong ...	237	337	0	574			
Wyalong ...	182	144	0	326			
	Total ... ..	1,213	1,299	0	2,512		
Gundagai ...		Barnes, J. F.	Cook, Jas.	Griffin, W. T.	Miller, J. J.		
	Adelong Crossing ...	19	1	64	11	0	95
	Bethungra ...	49	3	6	16	1	75
	Bongongolong ...	13	0	13	2	0	28
	Clarendon ...	32	0	6	1	0	39
	Coolac ...	18	17	20	6	0	61
	Cootamundra ...	268	4	64	246	4	586
	Gobarralong South... ..	32	0	19	5	1	57
	Gundagai ...	138	10	383	47	11	594
	Illabo ...	51	5	5	19	0	80
	Jugiong ...	58	3	15	12	1	89
	Mitta Mitta... ..	10	0	1	21	0	32
	Mutnama ...	42	3	15	13	1	74
	Naugus ...	8	1	57	3	1	70
	Reno ...	47	2	36	47	1	133
	Total ... ..	785	49	709	449	22	2,014
Gunnedah ...		Hall, David Robert.		Willsallen, Thomas Polhe.			
	Baradine ...	56		9			65
	Bearbong ...	1		7			8
	Binnaway ...	17		10			27
	Boggabri ...	144		72			216
	Bulgaldi ...	24		7			31
	Bundella ...	25		9			34
	Carrara Vale ...	2		17			19
	Carroll ...	75		29			104
	Colly Bluc ...	22		1			23
	Coolah ...	46		6			52
	Coonabarabran ...	129		41			170
	Curlewis ...	45		41			86
	Emerald Hill ...	10		3			13
	Gunnedah ...	237		272			509
	Kelvin ...	22		16			38
	Mullaly ...	19		27			46
	Mundooran ...	20		4			24
	Pibbon ...	13		8			21
Pine Vale ...	9		15			24	
Tambar Springs ...	55		14			69	
Weetalabah... ..	10		13			23	
Wharkton ...	19		15			34	
Yarraman Creek ...	8		3			11	
	Total ... ..	1,008		639		11	1,658

Electoral.	Polling-place.	Names of Candidates.					Informal Votes.	Total number of Votes recorded.
		Brierley, H. C.	Goyder, H. K.	Hurley, John.	Pillans, R.	Tabrett, J. F.		
Hartley ...	Blackheath ...	3	27	50	3	1	0	84
	Hartley ...	0	1	16	12	1	0	30
	Hartley Vale ...	2	23	9	43	2	0	79
	Jenolan Caves ...	0	0	9	4	1	0	14
	Katoomba ...	6	146	13	3	25	2	195
	Lithgow ...	20	192	292	300	6	2	962
	Lowther ...	0	7	10	13	3	0	33
	Megalong ...	0	8	5	1	1	0	15
	Mount Victoria ...	1	9	47	0	0	2	59
	Piper's Flat... ..	1	9	13	8	0	0	31
	Shooter's Hill ...	0	1	0	12	0	0	13
Wallerawang ...	7	49	54	13	1	1	125	
	Total ...	40	472	518	502	41	7	1,580
Hastings and Macleay.		Basche, Percival Charles.	Bridson, Hugh Ridgway.	Dangar, Otho Orde.	Davidson, Robert.	Noonan, Edward Patrick.		
	Beechwood ...	37	0	6	56	16	2	117
	Bellbrook ...	13	2	7	2	17	1	42
	Ellenborough ...	6	3	2	16	1	0	28
	Five-day Creek ...	5	1	3	1	21	0	31
	Fredericton ...	73	3	24	13	13	3	129
	Gannon Creek ...	10	2	0	14	3	0	29
	Gladstone ...	24	55	32	56	34	1	202
	Green Hill ...	13	2	32	13	50	0	110
	Hickey's Creek ...	16	1	16	10	9	1	53
	Jeogla ...	0	0	0	3	5	0	8
	Kempsey ...	81	31	191	74	138	2	517
	Moorparabah ...	10	0	7	0	2	0	19
	Port Macquarie ...	18	97	4	149	3	1	272
	Rawdon Island ...	15	12	0	23	16	0	66
	Rolland's Plains ...	9	2	10	53	2	0	76
	Sherwood ...	8	1	10	8	27	1	55
	Skillion Flat ...	6	2	20	2	38	1	69
	Telegraph Point ...	14	3	2	30	2	1	52
	Uralgurra ...	6	0	7	0	0	0	13
Wanchope ...	56	3	3	39	3	0	104	
Yarras ...	0	0	0	16	3	0	19	
	Total ...	420	220	376	578	403	14	2,011
Hawkesbury, The.		Hall, Brinsley.		Morgan, William.				
	Central Colo ...	25		10			35	
	Comleroy Road ...	32		18			50	
	Forrester ...	19		23			42	
	Freeman's Reach ...	53		16			69	
	Kurrajong Heights ...	19		13			32	
	Mouth of Colo ...	29		16			45	
	North Kurrajong ...	74		63			137	
	North Richmond ...	68		48			116	
	Pitt Town ...	108		49			157	
	Portland Head ...	17		6			23	
	Richmond ...	174		143			317	
	Riverstone ...	145		131			276	
	Rouse Hill ...	6		11			17	
	Sackville Reach ...	38		15			53	
	Sydney ...	25		19			44	
	The Bullridge ...	15		8			23	
	The Vineyards ...	29		15			44	
	Upper Colo ...	15		0			15	
	Wilberforce... ..	92		52			144	
Windsor ...	314		115			429		
Wiscman's Ferry ...	51		10			61		
	Total ...	1,348		781		18	2,147	
Hay ...		Byrne, F. A.						
	Currathool ...	Uncontested.						
	Darlington Point ...							
	Gunbar ...							
	Hay ...							
	Kerarbury ...							
	Maudie ...							
	Mount Elliot ...							
Whitton ...								

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes Recorded.
		McLauria, G. R.			
Hume, The	Book Book ... ..				
	Bulgandra ... ..				
	Carnisdale ... ..				
	Cherry Hill ... ..				
	Cookardinia ... ..				
	Culcairn ... ..				
	Dora Dora ... ..				
	Germanton ... ..				
	Henty ... ..				
	Jingellic ... ..				
	Khancoban ... ..				
	Little Billabong ... ..				
	Lockhart ... ..				
	Mittagong ... ..				
	Ournie ... ..				
	Pleasant Hills ... ..				
	Pulletop ... ..				
	Rosewood ... ..				
	Sandy Creek ... ..				
	The Rock ... ..				
Tooma ... ..					
Tumbarumba ... ..					
Walbundry ... ..					
Walla Walla ... ..					
Woomargama ... ..					
Yarrara ... ..					
Yerong Creek ... ..					
		Uncontested.			
Illawarra	Albion Park ... ..	162	4	0	166
	Avondale ... ..	7	0	0	7
	Brownsville ... ..	24	13	0	37
	Dapto ... ..	66	59	0	125
	Dunmore ... ..	20	4	0	24
	Figtree ... ..	54	5	0	59
	Kembla Heights ... ..	93	22	1	116
	Marshall Mount ... ..	18	0	0	18
	Mount Kembla ... ..	36	11	1	48
	Port Kembla ... ..	33	7	0	40
	Shellharbour ... ..	63	14	0	84
	Smelting Works ... ..	15	5	0	20
	Tongarra ... ..	25	1	0	26
	Unanderra ... ..	39	11	0	50
	Wollongong ... ..	301	78	2	381
Woodstock ... ..	24	1	0	25	
	Total ... ..	933	239	4	1,176
Inverell	Ashford ... ..	21	44	0	65
	Bonshaw ... ..	4	6	0	10
	Cherry-tree Hill ... ..	6	9	0	15
	Copeton ... ..	8	12	0	20
	Dinton Vale ... ..	18	26	0	44
	Elsmore ... ..	66	29	0	95
	Gilgai ... ..	10	28	0	38
	Goomoorah ... ..	5	8	0	13
	Graman ... ..	6	23	0	29
	Gun Flat ... ..	14	25	0	39
	Inverell ... ..	298	333	0	631
	Kangaroo Camp ... ..	6	4	0	10
	King's Plains ... ..	10	5	0	15
	Little Plain ... ..	26	33	0	59
	Nullamanna ... ..	4	30	0	34
	Oakwood ... ..	12	11	0	23
	Reedy Creek ... ..	10	29	0	39
	Stannifer ... ..	33	26	0	59
	Swamp Oak ... ..	5	9	0	14
	Swan Vale ... ..	8	8	0	16
Sydney ... ..	0	8	0	8	
Wallangra ... ..	9	30	0	39	
Yetman ... ..	20	14	0	34	
	Total ... ..	599	750	0	1,349



Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.					
		Edden Alfred.	Bailey, John William.							
Kahibah	Adamstown ...	326	58	4	368					
	Belmont ...	25	4	0	29					
	Charlestown ...	111	8	0	119					
	Dudley ...	94	8	1	103					
	Merewether ...	340	40	3	383					
	New Lambton ...	204	11	0	215					
	Raccoourse ...	118	34	0	152					
	Total ...	1,218	143	8	1,369					
Kiama		Campbell, Alexander.	Wagh, John.							
	Broughton Village ...	19	25	0	44					
	Burrawang ...	66	28	0	94					
	Carringong ...	131	18	0	149					
	Jamberoo ...	87	43	0	130					
	Kangaloon ...	20	40	0	60					
	Kangaroo Valley ...	129	107	0	236					
	Kiama ...	165	238	0	403					
	Robertson ...	66	80	0	146					
	Wood Hill ...	27	16	0	43					
	Total ...	710	595	0	1,305					
Lachlan, The		Carroll, J. G.								
	Boolbadah ...	Uncontested.								
	Booligal ...									
	Cargellico ...									
	Cugong ...									
	Culparlin ...									
	Eremeran ...									
	Euabalong ...									
	Gilgunnia Gold-field ...									
	Hillston ...									
	Ivanhoe ...									
	Malonga ...									
	Marowie Creek ...									
	Mossgiel ...									
	Mount Hope ...									
	Nymagee ...									
Roto ...										
Trida Station ...										
South Mount Hope ...										
Wealbah ...										
Willanthry ...										
Leichhardt		Hawthorne, J. S.	Niland, W. M.							
	Leichhardt Town Hall ...	1,203	560	7	1,763					
	Near Callan Park ...	186	119	1	305					
	Sydney ...	86	36	4	122					
	Total ...	1,475	715	12	2,202					
Lismore		Balney, R. S. K.	Campbell, R. E.	Coleman, J. W.	Duffy, C. J.	Frith, J. H.	O'Flynn, J. F.	Russell, F.		
	Bexhill ...	3	0	35	1	5	8	0	2	54
	Blakebrook ...	4	0	10	0	10	6	0	0	30
	Chilcott's Grass ...	3	0	32	0	0	11	0	0	46
	Clunes ...	11	0	48	1	2	15	1	3	81
	Cornedale ...	3	0	22	2	0	5	0	0	32
	Dunoon ...	5	0	28	1	1	11	0	2	48
	Eltham ...	1	1	56	0	1	4	0	1	64
	Eureka ...	3	0	39	0	0	3	0	0	45
	Federal ...	2	1	7	0	0	5	1	0	16
	Glenview ...	3	0	15	0	0	4	0	0	22
	Gundurimba ...	2	0	28	0	0	28	0	0	58
	Goolmangar ...	0	0	13	0	8	15	0	0	36
	Jiggi ...	1	0	17	0	3	6	0	1	28
	Johnston's Ridges ...	5	0	23	0	2	3	0	0	38
	Keerong ...	1	0	6	0	0	8	0	0	15
	Lismore ...	218	9	329	5	14	327	16	15	933
	Nimbin ...	1	0	4	0	11	3	1	4	24
	Rosebank ...	0	0	23	1	0	7	0	2	33
Tunstall ...	8	0	2	0	0	14	1	0	25	
Wyrallah ...	3	1	82	1	5	23	5	2	122	
	Total ...	277	12	824	12	62	506	25	32	1,750

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.
		Hurley, William Fergus.	Miller, John.		
Macquarie	Box Ridge ... ..	10	19	1	30
	Brewongle ... ..	17	18	2	37
	Charlton ... ..	2	5	0	7
	Callen Bullen ... ..	23	8	0	31
	Dark Corner ... ..	14	14	0	28
	Edith ... ..	21	0	0	21
	Frying Pan ... ..	23	9	1	33
	Glanmire ... ..	9	18	0	27
	Hampton ... ..	19	1	1	21
	Hazelgrove ... ..	23	13	3	39
	Hillsbury ... ..	12	6	0	18
	Kelloshiel ... ..	39	51	0	90
	Lagoon ... ..	5	1	0	6
	Limekilns ... ..	22	9	0	31
	Meadow Flat ... ..	24	7	1	32
	Norway ... ..	19	1	0	20
	Oberon ... ..	106	30	1	137
	O'Connell ... ..	34	30	0	64
	Palmer's Oakey ... ..	24	6	0	30
	Peel ... ..	32	16	0	48
	Portland ... ..	46	23	2	71
	Rydal ... ..	32	8	2	42
	Sewell Creek ... ..	23	15	1	39
	Sofala ... ..	52	76	2	130
	Sunny Corner ... ..	79	56	2	137
	Tarana ... ..	55	30	1	86
	Wattle Flat ... ..	59	97	2	158
Winburndale ... ..	4	19	0	23	
Wiseman's Creek ... ..	21	8	0	29	
Total ... ..		840	594	22	1,465
Macquarie, West	Blayne ... ..	137	194	4	335
	Back Creek ... ..	6	15	0	21
	Back Swamp ... ..	25	5	0	30
	Barry ... ..	34	15	0	49
	Bigga ... ..	9	39	0	48
	Brown's Creek ... ..	18	12	0	30
	Burrage ... ..	161	95	5	261
	Caloola ... ..	5	10	0	15
	Cow Flat ... ..	5	2	0	7
	Fitzgerald's Valley ... ..	6	5	0	11
	George's Plains ... ..	23	15	0	38
	Greenmantle ... ..	2	9	0	11
	Hobby's Yards ... ..	31	15	1	47
	Judge's Creek ... ..	19	4	0	23
	Junction Point ... ..	3	10	0	13
	King's Plains ... ..	13	24	1	38
	Lagoon ... ..	32	3	0	35
	Markdale ... ..	8	5	0	13
	Milthorpe ... ..	101	69	0	170
	Morgan's Copper-mine ... ..	24	13	0	37
	Mount David ... ..	38	5	0	43
	Neville ... ..	19	17	0	36
	Newbridge ... ..	62	28	1	91
	Peelwood ... ..	34	9	0	43
	Perth ... ..	41	33	1	80
	Porter's Retreat ... ..	34	6	2	42
	Rockley ... ..	62	23	1	91
Swatchfield ... ..	16	3	0	19	
The Junction, Abercrombie River ... ..	11	11	0	22	
Trunkey ... ..	55	49	2	106	
Tuena ... ..	27	37	0	64	
Vittoria ... ..	41	5	1	47	
Total ... ..		1,152	795	19	1,996
Maitland, East..		Brunker, James Nixon.	McIlroy, William.		
	East Maitland ... ..	457	91	2	550
	Minmi ... ..	156	268	1	425
	Morpeth ... ..	226	96	1	323
	Mulbring ... ..	91	2	0	93
	Onkvale ... ..	29	8	0	37
Tarro... ..	31	10	0	41	
Total ... ..		990	475	4	1,469

Electorate.	Polling-place.	Names of Candidates.						Informal Votes.	* Total number of Votes recorded.	
		Gillies, John.		Proctor, Richard.						
Maitland, West	Allandale ... ..	20	5	0				25		
	Bishop's Bridge ... ..	35	2	0				37		
	Cessnock ... ..	54	0	0				54		
	East Greta ... ..	28	15	0				43		
	Lochinvar ... ..	50	4	1				55		
	Pokolbin ... ..	16	1	0				17		
	Rothbury ... ..	16	0	0				16		
	West Maitland ... ..	684	216	3				903		
	Total ... ..	903	243	4				1,150		
Manaro ...	Adaminaby ... ..	122	60	5				187		
	Berridale ... ..	93	13	1				112		
	Bredbo ... ..	20	27	0				47		
	Buckley's Crossing ... ..	49	20	1				70		
	Colinton Post Office ... ..	10	10	0				20		
	Cooma ... ..	325	172	2				499		
	Cowra Creek ... ..	26	18	0				44		
	Jimenbuan ... ..	11	5	0				16		
	Jindabyne ... ..	72	36	1				109		
	Kiandra ... ..	32	2	0				34		
	Kybean ... ..	20	4	0				24		
	Little Plain ... ..	20	25	0				45		
	Nimitybelle ... ..	73	22	1				96		
	Rhine Falls ... ..	30	3	0				33		
	Rock Flat ... ..	10	9	0				19		
	Sydney ... ..	6	28	0				34		
	Umaralla ... ..	48	7	0				55		
	Total ... ..	967	466	11				1,444		
Manning, The ...	Cedar Party Creek ... ..	34	19	1				54		
	Coopersnook ... ..	55	54	1				110		
	Croki ... ..	60	64	0				124		
	Cundletown ... ..	70	56	2				128		
	Harrington ... ..	28	48	0				76		
	Kendall ... ..	47	51	0				98		
	Kimbriki ... ..	13	23	0				36		
	Lauricton ... ..	100	29	0				129		
	Marlee ... ..	30	43	0				73		
	Moorland ... ..	31	51	0				82		
	Oxley Island ... ..	47	34	0				81		
	Tarce ... ..	205	101	0				306		
	Tinonee ... ..	67	48	0				115		
	Tyric ... ..	6	29	0				35		
	Upper Lansdown ... ..	45	23	1				69		
	Wherrol Flat ... ..	12	21	0				33		
	Wingham ... ..	52	171	1				224		
Woodside ... ..	9	23	0				37			
	Total ... ..	911	893	6				1,810		
Marrickville ...	Enmore Road ... ..	139	26	4	19	265	15	57	3	528
	Excelsior Hall ... ..	434	40	5	25	391	28	200	5	1,128
	Illawarra Road ... ..	47	6	1	4	91	24	36	0	209
	Livingstone Road ... ..	67	23	15	13	286	24	27	4	450
	Oddfellows' Hall, Sydney ... ..	52	8	1	10	74	16	10	1	172
	Wardell Road ... ..	67	6	2	54	107	18	11	1	266
		Total ... ..	806	109	28	125	1,214	125	341	14

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.	
		Ross, Andrew.	Withington, John Swann.				
Molong ...	Amaroo ...	11	7	0	18		
	Barrigan ...	18	19	0	37		
	Boomey ...	20	4	0	24		
	Borenore ...	7	22	0	29		
	Bowan Park ...	23	1	0	23		
	Buckinbah ...	9	13	1	23		
	Cargo ...	52	55	2	109		
	Cave Creek ...	20	7	1	28		
	Cheese-man's Creek ...	7	9	0	16		
	Coffee Hills ...	14	2	0	16		
	Cudal ...	54	36	0	90		
	Cumnoek ...	50	60	1	111		
	Eugowra ...	51	30	3	84		
	Garra... ..	20	31	0	51		
	Lockwood ...	28	8	0	36		
	Manildra ...	46	40	1	87		
	Molong ...	95	129	1	225		
	Murga ...	10	17	1	28		
	Native Dog Creek ...	12	4	0	16		
	Nyrang Creek ...	35	19	0	54		
	Obley ...	20	11	0	31		
	Redhill ...	16	3	0	19		
	Rocky Ponds ...	23	7	0	30		
Toogong ...	20	10	0	30			
Yullundry ...	11	0	0	11			
	Total ...	671	544	11	1,226		
Morce ...		Crane, John Thomas	Webster, William.				
	Ashley ...	10	38	0	48		
	Beefwood ...	10	8	0	18		
	Bemarba ...	16	35	0	51		
	Blairmore ...	7	3	0	10		
	Boggabilla ...	47	35	0	82		
	Boomi ...	10	39	0	69		
	Carbucky ...	12	8	0	20		
	Combaldello, No. 2 Camp ...	3	22	0	25		
	Dolgelly ...	21	17	0	38		
	Florida ...	11	0	0	11		
	Garah ...	15	37	0	52		
	Gravesend ...	23	26	0	49		
	Inglewood ...	9	6	0	15		
	Meroc ...	19	20	0	45		
	Morce ...	272	270	0	542		
	Mungundi ...	47	56	0	133		
	New Gunyerwarildi ...	16	18	0	34		
	Pallamallawa ...	23	37	0	60		
	Sydney ...	24	4	0	28		
	Terry-hic-hic ...	40	16	0	56		
	Tycannah ...	10	12	0	22		
	Warialda ...	124	134	0	258		
	Total ...	789	877	0	1,666		
Moruya ...		Millard, William.	Smith, James Joynton.	Cox, Theophilus.			
	Bateman's Bay ...	81	12	2	1	96	
	Bodalla ...	44	31	2	0	77	
	Brooman ...	6	1	1	0	8	
	Central Tilba ...	49	13	0	0	62	
	Conjola ...	15	9	9	0	33	
	Currowan ...	10	6	1	0	17	
	Deua River ...	11	5	7	0	23	
	Milton ...	235	30	11	2	278	
	Mogee... ..	61	33	0	0	94	
	Morton ...	24	1	3	0	28	
	Moruya ...	206	152	7	0	365	
	Mt. Dromadary ...	6	8	0	0	14	
	Mt. Utopia ...	5	4	2	0	11	
	Narooma ...	27	20	3	1	51	
	Nelligen ...	31	36	2	0	69	
	Nerrigundah ...	19	52	5	0	76	
	Punkalla ...	22	12	0	0	34	
	Termeil ...	39	3	0	1	43	
	Tilba Tilba ...	19	9	7	0	35	
	Ulladulla ...	46	3	0	1	50	
		Total ...	956	440	62	6	1,464

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.
		Jones, Robert.	Richards, Edwin.		
Mudgee ...	Apple-tree Flat ...	27	41	1	69
	Ben Buckley ...	2	17	0	19
	Canadian ...	10	41	0	50
	Collingwood ...	23	43	1	67
	Cullenbone ...	25	51	0	79
	Gulgong ...	258	179	2	439
	Hargraves ...	62	47	0	109
	Home Rule ...	32	9	0	41
	Hyde Park, Sydney ...	16	23	0	39
	Linburn ...	26	26	0	52
	Maitland Bar ...	23	17	0	40
	Merinda ...	47	22	1	70
	Mudgee ...	399	519	7	925
	Piambong ...	3	18	0	21
	Pipeclay Creek ...	34	74	0	108
	Stony Creek ...	0	62	1	72
	Two-mile Flat ...	32	28	0	60
Upper Meroo ...	13	33	1	47	
Windeyer ...	63	57	1	121	
	Total ...	1,104	1,318	15	2,437
Murray, Tho ...		Hayes, James.	McArthur, Alexander.		
	Argoon ...	6	11	0	17
	Barooga ...	21	21	1	43
	Berrigan ...	93	68	3	164
	Boree Creek ...	15	1	0	16
	Brookong ...	16	2	0	18
	Bundure ...	11	9	0	20
	Corowa ...	251	68	3	322
	Daysdale ...	27	13	1	41
	Finlay ...	49	27	0	76
	Jerilderie ...	78	103	5	192
	Lowesdale ...	24	12	3	39
	Mahonga ...	7	6	0	13
	Momalong ...	7	7	0	14
	Morundah ...	18	6	1	25
	Mulwala ...	53	82	3	143
	Nangunia ...	10	1	0	11
	Narrunga ...	6	2	0	8
	Oaklands ...	41	7	1	49
Savernake ...	20	29	1	60	
Tocumwall ...	30	91	5	129	
Urana ...	63	16	0	79	
Whitlands ...	21	4	0	25	
Willow Bank ...	3	12	0	15	
	Total ...	885	607	27	1,519
Murrumbidgee, Tho.		Fitzpatrick, Thomas.	Waxman, Percy.		
	Barrellan ...	22	3	0	25
	Broken Dam ...	36	3	0	39
	Bute ...	8	3	0	11
	Colinraby ...	38	9	0	47
	Coolamon ...	144	54	2	200
	Devlin's Siding ...	35	9	0	44
	Ganmain ...	43	21	0	64
	Grong Grong ...	36	31	1	68
	Junee ...	272	169	2	443
	Junee Reefs ...	31	23	2	56
	Methul ...	48	9	1	58
	Narrandera ...	220	202	4	426
	North Berry Jerry ..	54	4	0	58
	North Yanco ...	20	9	0	29
	Sebastopol ...	31	2	0	33
	Sydney ...	11	2	0	13
Trickett ...	30	2	0	32	
Warri ...	32	3	0	35	
	Total ...	1,111	558	12	1,681

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.			
		Collins, Albert Ernest.	Gately, John.	Sheldon, Job.					
Narrabri	Avondale ... ..	28	0	0	0	28			
	Baan Baa ... ..	11	8	3	0	22			
	Buglebone ... ..	25	6	1	0	32			
	Burren ... ..	28	5	5	0	38			
	Bulyeroi ... ..	29	10	1	0	40			
	Boolcarrol ... ..	8	10	1	0	19			
	Ceelnooy ... ..	11	3	0	0	14			
	Come-by-Chance ... ..	29	4	1	1	35			
	Cuttabri ... ..	8	3	2	0	13			
	Enlah Creek ... ..	25	8	27	0	60			
	Florida ... ..	4	2	0	0	6			
	Galathera ... ..	4	2	4	0	10			
	Goangra ... ..	13	12	0	0	25			
	Harperary ... ..	6	2	11	0	19			
	Millie ... ..	24	8	0	0	32			
	Middle Creek ... ..	1	16	1	0	18			
	Myall Vale ... ..	13	13	0	1	27			
	Narrabri ... ..	273	124	82	3	482			
	Narrabri West ... ..	16	141	10	0	167			
	Pilliga ... ..	33	15	10	0	58			
Pian Creek ... ..	15	15	3	0	33				
Round Swamp ... ..	7	17	0	0	24				
Rocky Ford ... ..	13	1	0	0	14				
Wee Waa ... ..	80	73	12	0	165				
Woolabra ... ..	25	18	10	0	53				
Yarranbar ... ..	9	4	0	0	13				
	Total ... ..	738	520	184	5	1,447			
The Murrumbidgee		Smith, T. R.		Lees, S. E.					
	Agnes Banks ... ..	21		26		0	47		
	Bringelly ... ..	17		19		0	36		
	Castlereagh ... ..	32		27		0	59		
	Emu Plains ... ..	65		50		0	115		
	Exeter ... ..	26		27		0	53		
	Glenbrook ... ..	12		15		0	27		
	Hoxton Park ... ..	16		30		0	46		
	Lawson ... ..	20		34		0	54		
	Llandilo ... ..	20		18		0	38		
	Luddenham ... ..	33		28		0	61		
	Mount Druitt ... ..	35		23		0	58		
	Mulgoa ... ..	27		21		0	48		
	Penrith ... ..	381		254		0	635		
	Springwood ... ..	39		39		0	78		
	St. Mary's ... ..	142		117		0	259		
Sydney ... ..	23		35		0	58			
Wentworth Falls ... ..	21		36		0	57			
	Total ... ..	930		799		0	1,729		
Newcastle, East		Curley, James.		Dick, William Thomas.					
	Council Chambers, Stockton ... ..	221		212		1	434		
	Council Chambers, Watt-street ... ..	144		486		5	635		
	Fullerton Cove ... ..	16		11		0	27		
	Y.M.C.A. Hall, Wolfe-street ... ..	133		328		1	462		
	Total ... ..	514		1,037		7	1,558		
Newcastle, West		Flynn, Emmanuel John.	Gilbert, Owen.	Green, Thomas.					
	Brunker-road ... ..	13	79	94		2	188		
	Darby-street ... ..	104	323	86		4	517		
	Hunter-street West ... ..	176	314	60		3	553		
	Junction ... ..	23	86	27		0	136		
	Total ... ..	316	802	267		9	1,394		
Newtown—Camperdown Division.		Bellamy, Richard Thomas.	Clegg, William Carnegie.	Heaton, Samuel Joseph John.	Probert, Thomas.	Smith, James Francis.	Thompson, Andrew.		
	Court-house, Newtown ... ..	75	166	168	275	503	18	12	1,217
	King-street, Newtown ... ..	39	144	53	90	98	3	1	428
	Sydney ... ..	6	17	3	19	11	0	1	57
	Town Hall, Camperdown ... ..	45	55	46	178	147	3	8	482
	Total ... ..	165	382	270	562	759	24	22	2,184

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.			
		Molesworth, Edmund W.	Hollis, Robert.	Bertram, Leopold B.					
Newtown— Erskine Division.	Erskineville Town Hall ... ..	379	439	9	7	884			
	Oddfellows' Hall ... ..	253	16	22	1	452			
	St. George's Hall ... ..	222	233	11	5	471			
	Sydney ... ..	32	23	4	1	60			
	Total ... ..	886	921	46	14	1,867			
Newtown— St. Peter's Division.		Arnold, Walter.	Clark, George Daniel.	Fallick, James.	Hayes, David.	Mitchell, James Brown.	Rigg, William.		
	Cook's River ... ..	1	58	48	0	1	96	1	205
	Oddfellows' Hall, Enmore ... ..	2	439	388	5	10	337	12	1,193
	Sydney ... ..	0	27	25	1	0	37	0	90
	Town Hall, St. Peter's ... ..	1	246	329	10	2	192	7	787
	Total ... ..	4	770	790	16	13	662	20	2,275
Northumberland	Catherine Hill Bay ... ..	Norton, J.							
	Cooranbong ... ..	Uncontested.							
	Dora Creek ... ..								
	Ellalong ... ..								
	Gosford ... ..								
	Howe's Valley ... ..								
	Jilliby Jilliby ... ..								
	Kincumber ... ..								
	Laguna ... ..								
	Mangrove Creek ... ..								
	Millfield ... ..								
	Ourimbah ... ..								
	Port Erina ... ..								
	Patty ... ..								
	St. Albans ... ..								
	Swansea ... ..								
	Toronto ... ..								
Wamberal ... ..									
Wiseman's Ferry ... ..									
Wollombi ... ..									
Woy Woy ... ..									
Wyee ... ..									
Wyong ... ..									
Yarramalong ... ..									
Orange ... ..		Flanagan, Patrick Joseph.	Gardiner, Albert.	Newman, Henry William.					
	Byng ... ..	4	17	13	0	34			
	Cadia ... ..	11	1	27	0	39			
	East Orange ... ..	40	142	235	2	419			
	Forest Reefs ... ..	47	19	31	0	97			
	Freemantle ... ..	2	0	6	0	8			
	Lewis Ponds ... ..	6	21	12	0	39			
	Lucknow ... ..	20	95	135	0	250			
	March ... ..	11	23	30	0	64			
	Mullion Creek ... ..	34	13	29	0	76			
	Ophir ... ..	3	3	36	0	42			
	Orange ... ..	384	242	391	5	1,022			
	Spring Hill ... ..	28	27	41	3	99			
Spring Terrace ... ..	5	10	26	2	43				
	Total ... ..	595	613	1,012	12	2,232			
Paddington ... ..		Oakes, Charles William.	West, Thomas John.	Usher, Robert William.	Meagher, Thomas.	Harper, Frederick.			
	Paddington Town Hall ... ..	620	575	359	95	65	11	1,725	
	Queen's Hall, Pitt-street, Sydney ... ..	59	36	16	6	7	0	124	
	St. George's Hall, Glenmore Road, Paddington ... ..	199	155	84	10	25	0	473	
	Total ... ..	878	766	459	111	97	11	2,322	

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.	
		Ferris, William John.	Moxham, Thomas Robert.				
Parramatta	Court-house ... ..	437	306		2	745	
	Harris Park... ..	26	82		1	109	
	Parramatta North ... ..	107	213		2	322	
	Parramatta South ... ..	32	54		0	86	
	Prospect and Sherwood ... ..	17	39		0	56	
	Town Hall ... ..	280	512		5	797	
	335A, George-street, Sydney ... ..	31	28		0	59	
	Total ... ..	930	1,234		10	2,174	
Petersham		Cockbaine, J. W.	Cohen, J. J.	Richardson, W.			
	Brighton-street ... ..	95	137	8	3	243	
	Dulwich Hill ... ..	151	107	9	4	271	
	Lewisham ... ..	262	205	11	2	480	
	Stanmore ... ..	114	290	8	3	415	
	Sydney ... ..	119	212	7	2	340	
	Town Hall, Petersham ... ..	209	485	21	4	719	
	Total ... ..	950	1,436	64	18	2,463	
Queanbeyan		McNamara, Patrick.	O'Sullivan, Edward William.	Turner, Charles Edward Sutton.			
	Broadbaine ... ..	0	10	9	0	19	
	Brindabella ... ..	0	2	3	0	5	
	Bulga Creek... ..	0	4	3	0	7	
	Bungendore ... ..	1	124	58	1	184	
	Burra ... ..	2	7	3	0	12	
	Bywong ... ..	0	7	7	0	14	
	Camberra ... ..	0	30	22	0	52	
	Captain's Flat ... ..	2	49	16	8	75	
	Collector ... ..	1	32	29	0	62	
	Currawang ... ..	0	44	12	2	58	
	Duck Flat ... ..	0	15	2	0	17	
	Gadgenby ... ..	0	9	0	0	9	
	Giminderra ... ..	0	68	23	3	94	
	Gundaroo ... ..	1	30	24	2	57	
	Hoskingtown ... ..	0	47	10	1	58	
	Lake Bathurst ... ..	0	3	11	0	14	
	Ledgerton ... ..	0	7	7	0	14	
	Majura ... ..	0	12	2	0	14	
	Micalago ... ..	0	37	1	1	39	
	Molonglo ... ..	0	2	16	0	18	
	Queanbeyan ... ..	4	209	70	2	285	
	Sutton ... ..	0	23	9	0	32	
	Tharwa (Lanyon) ... ..	1	44	15	0	60	
	Urayarra ... ..	0	23	7	0	30	
	Williamsdale ... ..	0	18	2	0	20	
	Yarra ... ..	2	10	15	1	28	
		Total ... ..	14	866	376	21	1,277
	Quirindi		Levien, Robert Henry.	Rodgers, John Phillip.	Ross, Hugh.		
Black Creek... ..		6	8	8	0	22	
Bowling Alley Point ... ..		27	25	2	0	54	
Breeza ... ..		34	17	20	1	72	
Caroona ... ..		20	14	2	3	39	
Currabubula ... ..		50	13	25	0	88	
Doughboy Hollow ... ..		18	4	11	0	33	
Duri ... ..		11	1	5	0	17	
Glasston ... ..		12	1	0	0	13	
Goonoo Goonoo ... ..		20	8	5	1	34	
Hanging Rock ... ..		29	6	8	0	43	
Lower Dungowan ... ..		22	12	2	0	36	
Nundle ... ..		73	32	5	1	111	
Pine Ridge ... ..		9	8	6	0	23	
Quipolly ... ..		24	13	1	2	40	
Quirindi ... ..		226	133	41	1	401	
Spring Ridge ... ..		13	17	5	0	35	
Sydney ... ..		14	1	0	0	15	
Upper Dungowan ... ..		21	9	2	0	32	
Wallabadah... ..		70	16	19	1	106	
Werris Creek ... ..		59	23	11	0	93	
Willow Tree ... ..		14	6	8	0	28	
Woolomin ... ..		21	10	3	1	35	
Yarraman ... ..	15	3	5	0	23		
	Total ... ..	808	380	194	11	1,393	



Electorate.	Polling-place.	Names of Candidates.					Informal Votes.	Total number of Votes recorded.
		Bo'twood, Ecny.	Briner, Geo. St.	Cooke, Richard.	Mannix, J. A.	Rudder, Eagene Fredk.		
Raleigh ...	Argent's Hill ...	4	36	0	0	0	0	40
	Bald Hills ...	0	7	0	0	1	0	8
	Bellingen ...	51	153	2	3	3	0	217
	Bellingen Heads ...	48	25	1	0	0	0	74
	Bowra ...	24	113	9	1	3	4	154
	Clybucca ...	1	12	20	3	0	0	36
	Coff's Harbour ...	18	18	0	0	5	0	41
	Coramba ...	9	16	0	7	21	1	54
	Corindi Station ...	2	6	0	1	2	0	11
	Dalmorton ...	16	0	1	0	0	1	18
	Dorrigo Village ...	1	25	0	0	0	0	26
	Dunvegan ...	11	19	1	0	13	0	44
	Fernmount ...	26	41	0	1	1	2	71
	Glenrcagh ...	2	1	1	0	2	3	27
	Halfway Creek ...	3	0	0	0	0	0	3
	Jerseyville ...	6	55	19	19	1	1	101
	Kinchella ...	19	17	9	4	0	0	49
	Little Plain ...	3	19	0	0	0	0	22
	Lower Bucca Bucca ...	7	1	0	3	6	0	17
	Macksville ...	51	57	5	4	2	1	120
	Nambucca Heads ...	51	33	19	0	4	1	108
	Nana Glen ...	6	2	0	0	7	0	15
	Never Never ...	9	23	0	0	0	0	32
	Raleigh ...	23	37	0	0	7	0	67
	Smithtown ...	9	25	43	4	0	1	83
	South West Rocks ...	5	9	15	2	0	1	32
	Stuart's Point ...	14	18	5	1	0	0	38
	Taylor's Arm ...	14	12	1	6	1	0	34
	Tyringham ...	2	13	0	0	0	0	15
	Unkya ...	17	16	3	4	3	0	43
Woolgoolga ...	18	12	0	4	1	0	35	
	Total ...	470	827	154	67	101	16	1,635
Randwick ...		Storey, David.	O'Donnell, James.	Armfield, Thomas Gumersal.				
	Arden-street ...	118	24	1	2	145		
	Coogee ...	56	18	0	3	77		
	Green's Road ...	242	139	3	4	388		
	Kensington ...	59	30	0	0	89		
	Oxford-street ...	305	102	3	5	415		
	Sydney ...	110	32	3	1	146		
Town Hall, Randwick ...	477	103	3	18	661			
	Total ...	1,357	508	13	33	1,921		
Redfern ...		McGowan, J. S. T.	McNaught, P.	Butterfield, J.				
	City ...	43	23	2	0	68		
	Redfern ...	1,517	585	94	11	2,207		
	Total ...	1,560	608	96	11	2,275		
Richmond, The..		Harper, John Henry Cooke.	McFadden, Thomas.	Pyers, Robert.				
	Broadwater ...	7	34	45	0	86		
	Bungawalbin ...	4	3	10	0	17		
	Busby's Flat ...	2	0	15	0	17		
	Casino ...	29	34	314	3	380		
	Coraki ...	10	71	109	5	195		
	Fairy Hill ...	1	5	8	0	14		
	Greenridge ...	5	1	28	0	34		
	Lower Tooloom ...	0	4	1	0	5		
	Mummulgum ...	0	3	10	0	13		
	Myrtle Creek ...	3	0	15	0	18		
	Naughton's Gap ...	3	6	25	0	34		
	New Park ...	2	14	21	1	38		
	Riley's Hill ...	3	4	65	0	72		
	Sandilands Range ...	0	2	7	0	9		
	Swan Bay ...	4	4	18	0	26		
	Tabulam ...	0	2	21	0	23		
	Tatham ...	15	10	76	1	102		
	The Risk ...	0	2	6	0	8		
	Tooloom Gold-fields ...	0	2	2	0	4		
Woodburn South ...	3	17	56	0	76			
Woodenbong ...	0	4	2	0	6			
	Total ...	91	222	854	10	1,177		

Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.		
		Fitzgerald, Robert George Dundas.	Fleming, William Montgomerie.				
Robertson	Aberdeen ... ..	75	133	2	210		
	Appletree Flat ... ..	33	13	0	46		
	Belltrees ... ..	41	20	0	61		
	Blandford ... ..	47	34	1	82		
	Bunuan ... ..	19	20	0	45		
	Denman ... ..	49	45	0	94		
	Ellerston ... ..	10	23	1	34		
	Gundy ... ..	15	34	1	50		
	Kayuga ... ..	23	16	0	39		
	Liddell ... ..	22	14	1	37		
	Main Camp ... ..	49	17	1	67		
	Moonan ... ..	23	36	0	59		
	Murrurundi ... ..	75	91	4	170		
	Muscle Creek ... ..	11	20	0	31		
	Muswellbrook ... ..	247	154	7	408		
	Owen's Gap ... ..	6	17	0	23		
	Sandy Creek, St. Heliers' ... ..	13	10	0	23		
	Scone ... ..	147	179	4	330		
	Stewart's Brook ... ..	26	29	0	55		
	Weldun ... ..	8	35	1	44		
	Whissonsett ... ..	9	17	0	26		
	Wingen ... ..	23	35	0	58		
	Wybong ... ..	20	19	1	40		
		Total ... ..	991	1,017	24	2,032	
Ryde		Farnell, Frank.	Henley, Thomas.	Terry, Edward.	Tucker, Henry St. John.		
	Beccroft ... ..	40	14	26	0	0	80
	Drummoyne ... ..	144	223	80	2	5	454
	Dundas ... ..	34	14	46	0	0	94
	Epping ... ..	46	26	26	0	2	100
	Ermington ... ..	36	18	32	0	0	86
	Gladesville ... ..	95	61	73	0	4	233
	Hunter's Hill ... ..	110	81	88	1	1	281
	Marsfield ... ..	52	37	23	0	2	114
	North Ryde ... ..	64	22	9	0	0	95
	Pennant Hills Road ... ..	80	15	29	0	0	124
	Rydalmere ... ..	54	29	27	0	1	102
	Ryde ... ..	155	33	90	1	3	282
	Sydney ... ..	65	88	30	0	0	183
Woolwich ... ..	61	32	25	0	1	122	
	Total ... ..	1,039	634	604	4	19	2,350
Rylstone		Arkins, Thomas.		Fitzpatrick, John C. L.			
	Airly ... ..	27		43			75
	Baerami ... ..	0		16			16
	Birriwa ... ..	14		20			34
	Botobolar ... ..	25		18			43
	Bylong ... ..	6		15			21
	Capertee ... ..	7		35			42
	Cassilis ... ..	35		75			110
	Collaroy ... ..	14		13			27
	Coolah ... ..	3		13			16
	Cudgegong ... ..	19		27			46
	Crudine Post Office ... ..	8		13			21
	Dale's Creek ... ..	4		7			11
	Giant's Creek ... ..	4		13			17
	Glen Alice ... ..	16		19			35
	Green Hills ... ..	11		17			28
	Gungal ... ..	3		20			23
	Idaville ... ..	22		6			28
	Hford ... ..	21		37			58
	Kerrabee ... ..	5		11			16
	Leadville ... ..	40		24			64
	Lower Crudine ... ..	2		10			12
	Luc ... ..	20		46			66
	Merriva ... ..	60		107			167
	Narrango ... ..	10		23			33
	Pyramul ... ..	16		20			36
	Rylstone ... ..	53		154			207
Stubbo ... ..	23		6			29	
Tallawang ... ..	8		24			32	
Torbane ... ..	10		21			31	
Urbry ... ..	17		8			25	
Ulan ... ..	12		20			32	
Wollar ... ..	44		46			90	
	Total ... ..	520		932			1,491

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.		
		O'Connor, B. B.	Pringle, A. T.	Roughley, J.				
Sherbrooke	Arcadia	24	0	23	0	47		
	Baulkham Hills	53	2	51	0	111		
	Blacktown	48	17	8	0	73		
	Castle Hill	28	6	32	1	67		
	Dural	12	0	59	0	71		
	Eastern Creek	18	7	2	0	27		
	Fairfield	89	0	33	1	123		
	Galston	28	6	36	1	71		
	Glenorie	51	0	12	0	63		
	Guildford	20	0	12	0	32		
	Holroyd	30	8	25	1	73		
	Kellyville	32	1	20	1	54		
	Kenthurst	29	0	30	0	59		
	Pennant Hills, near Thompson Corner	5	0	17	0	22		
	Prospect	32	8	13	1	54		
	Plumpton	10	28	1	1	40		
	Rooty Hill	50	24	18	0	92		
	Rouse Hill	10	3	22	0	35		
	Seven Hills	28	7	12	1	48		
	Smithfield	128	4	26	1	159		
Toongabbee	35	0	31	3	78			
Wetherill Park	23	0	10	0	38			
Sydney	21	2	12	0	35			
	Total	823	132	505	12	1,472		
Shoalhaven, The		Davis, David.		Morton, Mark Fairles.				
	Berry	173		171		3	347	
	Bomaderry	44		98		2	142	
	Burriger	29		2		0	31	
	Cambewarra	58		78		1	137	
	Coolangatta	18		63		0	81	
	Grassy Gully	20		3		0	23	
	Greenwell Point	30		45		2	77	
	Huskisson	2		20		0	22	
	Nowra	208		313		2	523	
	Numba	32		25		0	57	
	Sassafras	9		2		1	12	
	Terara	26		22		2	50	
	Tomerong	31		38		1	70	
	Wandandian	17		12		0	29	
Yalwal	45		37		0	82		
	Total	742		927	14	1,683		
Singleton		Blick, Thomas Henry.		Dight, Charles Hilton.		Walker, Augustus Erasmus Oscar.		
	Belford	10		26		16	1	53
	Branxton	3		73		7	1	148
	Broke	0		38		21	0	59
	Bulga	4		26		11	0	41
	Camberwell	0		52		15	0	67
	Elderslie	0		12		13	1	26
	Glendon	3		31		25	0	59
	Glendon Brook	0		30		9	0	39
	Goorangoola	0		25		4	0	29
	Greta	2		35		83	0	120
	Jerry's Plains	1		40		12	0	53
	Marana Creek	0		19		10	0	29
	Mitchell's Flat	0		32		10	0	42
	Rix's Creek	14		22		22	0	58
	Singleton	107		457		222	0	786
	St. Clair	0		14		17	0	31
Warkworth	0		32		9	0	41	
Westbrook	0		8		15	1	24	
	Total	144		972		585	4	1,705
St George		Carruthers, Joseph Hector.		Finn, William Dudley.				
	Arncliffe	162		74		0	236	
	Bexley	105		37		0	142	
	Carlton	64		50		0	114	
	Hurstville	294		146		0	440	
	Kogarah	302		112		0	414	
	Mortdale	72		37		0	109	
	Rockdale	371		150		0	521	
	Sydney	149		70		0	219	
	Total	1,519		676		0	2,195	

Electorate.	Polling place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.				
		Clark, E. M.	Cresswell, T. E.	O'Connell, P.						
St. Leonards ...	Masonic Hall ... ..	581	352	86	7	1,026				
	Milson's Point ... ..	388	364	27	4	783				
	Sydney ... ..	97	85	6	.....	188				
	Total ... ..	1,066	801	119	11	1,997				
Sturt ... ..		Ferguson, William John.		Maley, Charles.						
	Acacia Dam ... ..	8		1		1	10			
	Argent-street North ... ..	171		110		6	287			
	Iodide-street ... ..	291		166		3	460			
	Lane-street ... ..	117		75		3	195			
	McCulloch Park ... ..	23		4		1	28			
	Pinnacles ... ..	13		9		1	23			
	Silverton ... ..	34		19		.....	53			
	Stephen's Creek ... ..	7		2		.....	9			
	Thackaringa ... ..	14		2		.....	16			
Torrowangee ... ..	• 38		4		.....	42				
Total ... ..	716		392		15	1,123				
Sydney—Belmore Division.		Donovan, John.	George, Eden.	Gocher, William Henry.	Graham, Sir James.					
	Independent Order of Oddfellows Temple, Elizabeth-street ... ..	8	715	47	672	17	1,459			
	Total ... ..	8	715	47	672	17	1,459			
Sydney—Bligh Division.		Brindley, John Walter.	Campbell, John.	Healey, Daniel Edward.	Hughes, John.	Quinn, Patrick Edward.				
	Presbyterian School Hall in Palmer-street ... ..	604	27	76	85	781	3	1,576		
	Total ... ..	604	27	76	85	781	3	1,576		
Sydney—Cook Division.		Calo, H. C.	Giffen, J. G.	Hart, W. T.	Mulholland, W. T.	Perry, G.	Whiddon, S. T.			
	Congregational Schoolroom, Devonshire-street ... ..	4	170	17	135	623	665	11	1,625	
	Total ... ..	4	170	17	135	623	665	11	1,625	
Sydney—Deniso Division.		Harris, George.	Hynes, James Joseph.	Kelly, Andrew Joseph.	Watts, William Henry.					
	Harris-street, near William Henry Street ... ..	570	35	804	83	20	1,512			
	Total ... ..	570	35	804	83	20	1,512			
Sydney—Fitzroy Division.		Chapman, Henry.	Foran, Harry.	Garvan, C. F.	Levy, Daniel.	McElhone, Arthur.	McKinnon, D. McLeod.	O'Sullivan, Denis R.		
	Dowling-street, corner of Fitzroy-avenue ... ..	379	108	20	605	381	121	71	15	1,700
	Total ... ..	379	108	20	605	381	121	71	15	1,700
Sydney—Flinders Division.		Evers, Hozakiah.	Gardner, Ernest Henry.	Lawrence, James Henry.	Nelson, Arthur David.	Sommerhoff, Frederick John.	Waine, John Charles.			
	Schoolroom, Foveaux-st., between Crown and Bourke Streets ... ..	124	191	124	601	82	598	14	1,734	
	Total ... ..	124	191	124	601	82	598	14	1,734	

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.				
		Daley, William Michael.	Johnson, William Elliott.	Spruson, Wilfred Joseph.						
Sydney—Gipps Division.	Federation Hall, corner of Charlotte-place and Harrington-street...	981	197	655	21	1,854				
	Total ... ..	981	197	655	21	1,854				
Sydney—King Division.	Protestant Hall, Castlereagh-street, near Bathurst-street ... ..	Broughton, E. C. V.	Feady, David.	Hutches, Thomas.	Taylor, V. P.	Thompson, E. L.	Walsh, Fred.	Wilson, Alex.	15	1,479
	Total ... ..	550	9	532	4	128	91	150	15	1,479
Sydney—Lang Division.	The Old Masonic Hall, York and Clarence Streets, Sydney ... ..	Chuck, Joseph Arthur.	Holland, Henry Edmund.	Jones, Evan.	Power, John Joseph.				16	1,332
	Total ... ..	259	34	447	576				16	1,332
Sydney—Phillip Division.	Exhibition Building, Prince Alfred Park ... ..	Barnett.	Moloney.	O'Connor.					6	1,638
	Total ... ..	442	514	676					6	1,638
Sydney—Pymont Division.	Elder's Hall, Union-street, Pymont ... ..	Smith, Samuel.	Sergeant, John Nathaniel.						13	1,105
	Total ... ..	1,008	84						13	1,105
Tamworth	Attunga ... ..	Codrington.	Piddington.	Walsh.					0	100
	Keepit ... ..	15	28	57					0	19
	Limbi ... ..	16	2	3					0	54
	Moonbi ... ..	7	25	22					0	113
	Niangala ... ..	7	56	50					0	12
	Nundle Road ... ..	3	9	0					0	37
	Rywang ... ..	6	11	19					1	20
	Somerton ... ..	7	6	7					0	55
	Sydney ... ..	10	3	41					1	10
	Tamworth ... ..	2	6	2					0	843
	West Tamworth ... ..	95	337	404					7	234
	Winton ... ..	20	150	64					0	49
Total ... ..	16	13	20					0	1,546	
Tenterfield	Acacia Creek ... ..	Lee, C. A.								
	Bolivia ... ..	Uncontested.								
	Boonoo Boonoo ... ..									
	Clifton Gate... ..									
	Deepwater ... ..									
	Drake ... ..									
	Jennings ... ..									
	Long Gully ... ..									
	Maryland ... ..									
	Mole Table-land ... ..									
	Nine-mile ... ..									
	Pretty Gully ... ..									
	Rivertree ... ..									
	Sandy Flat ... ..									
	Sandy Hill ... ..									
	Tenterfield ... ..									
	The Gulf ... ..									
	Timbarra ... ..									
Upper Tooloom ... ..										
West Tabulam ... ..										
White Swamp ... ..										
Wilson's Downfall... ..										

Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.	
		Donaldson, Robert Thomas.	Elphick, James.	Royle, Charles John.			
Tumut ..	Adelong ...	173	252	24	4	453	
	Argalong ...	31	13	0	1	45	
	Balrow ...	40	37	0	0	83	
	Billapaloola ...	12	14	1	0	27	
	Blowering ...	16	1	5	0	22	
	Brungle ...	61	16	4	0	81	
	Courabyra ...	19	0	0	0	19	
	Humula ...	53	18	10	0	81	
	Laurel Hill ...	10	16	2	0	28	
	Lobb's Hole ...	9	3	2	0	14	
	Lower Bago ...	20	4	2	0	26	
	Mount Adrah ...	8	23	0	1	32	
	Shepard's Town ...	57	103	5	2	167	
	Tarcutta ...	45	25	5	0	75	
	Toomoorooma ...	30	29	3	0	62	
	Tumut ...	535	182	26	2	745	
Yarrangobilly ...	8	4	5	1	18		
	Total ...	1,127	740	100	11	1,978	
Tweed, The ...		Eastaughffe, Alexander.		Mengher, Richard Denis.			
	Burringbah Creek ...	11		56		1	68
	Byangum ...	10		32		0	42
	Byron Bay ...	107		49		0	156
	Byron Creek ...	29		36		2	67
	Chinderah ...	6		47		0	53
	Condong ...	5		44		0	49
	Courabell Creek ...	7		11		0	18
	Cudgen ...	11		39		0	50
	Federal ...	5		16		0	21
	Mullumbimby ...	33		99		4	136
	Murwillumbah ...	137		223		2	362
	The Upper Pocket ...	8		23		2	33
	Tumbulgum ...	31		41		2	74
	Tweed Heads ...	8		86		1	95
	Total ...	408		802		14	1,224
Uralla-Walcha ...		MacMahon, Michael John.	Marsh, Charles McLeod.	Townshend, Frank.	Watts, James Nicholas Bede.		
	Arding ...	15	27	1	3	0	46
	Balala ...	23	22	0	0	0	45
	Bendemecr ...	34	39	0	5	1	79
	Castle Doyle ...	12	11	0	0	0	23
	Enmore ...	8	6	0	1	0	15
	Glen Morrison Diggings ...	28	17	0	4	0	49
	Green Valley ...	21	10	0	0	0	31
	Kelly's Plains ...	12	17	0	0	2	31
	Kentucky ...	24	13	0	2	2	41
	Kingstown ...	22	16	0	0	0	38
	Nowendoc ...	1	14	0	2	2	19
	Rockwood ...	10	13	0	0	0	23
	Salisbury Plains ...	14	13	0	1	0	28
	St. Leonard's Creek ...	9	8	0	1	1	19
	Tia Diggings ...	27	12	0	10	0	49
	Uralla ...	181	175	1	5	4	366
	Walcha ...	83	105	0	60	4	252
Walcha Road ...	21	16	1	7	1	46	
Woolbrook ...	6	13	0	1	0	20	
Yarrowitch ...	21	2	0	1	0	24	
	Total ...	572	549	3	103	17	1,244
Wagga Wagga ...		Coleman, George.		Gornly, James.			
	Alfredtown ...	4		33		1	38
	Borambala ...	10		35		0	45
	Buckingbong ...	1		6		0	7
	Cross Roads ...	6		33		0	39
	Cattee ...	2		27		1	30
	Central Ganmain ...	1		12		0	13
	Currawarra ...	3		50		1	54
	Dawnside ...	3		21		0	24
	Deepwater ...	3		17		0	20
	Jackson's Waterhole ...	3		39		0	42
	Kockibitoo ...	0		35		0	35
	Lake Albert ...	8		39		0	47
	Sydney ...	2		6		0	8
	Tooyal ...	5		35		0	40
	Urarquinty ...	12		35		1	48
	Wallacetown ...	3		16		0	19
Wagga Wagga ...	416		689		4	1,109	
	Total ...	482		1,128		8	1,618



Electorate.	Polling-place.	Names of Candidates.		Informal Votes.	Total number of Votes recorded.		
		Haynes, John.	McEwen, John Herbert.				
Wellington	Arthurville	10	4	.....	14		
	Ballimore	14	15	.....	29		
	Baker's Swamp	18	7	.....	25		
	Bournewood	5	13	.....	18		
	Burrendong	42	12	.....	54		
	Cobbora	14	48	.....	62		
	Comobella	11	19	.....	30		
	Cudgebong	10	25	.....	35		
	Curra Creek	18	13	.....	31		
	Dripstone	18	16	.....	34		
	Elong Elong	7	14	.....	21		
	Ganoo	1	8	.....	9		
	Geurie	39	27	.....	66		
	Gollan	17	16	.....	33		
	Goolma	13	63	.....	76		
	Hill End	102	41	.....	143		
	Hargraves	2	18	.....	20		
	Kerr's Creek	5	7	.....	12		
	Maryvale	31	18	.....	49		
	Mitchell's Creek	93	86	.....	179		
	Mumbil	11	32	.....	43		
	Mundooran	12	10	.....	22		
	Neurea	31	10	.....	41		
	Ponto	33	8	.....	41		
	Sally's Flat	4	4	.....	8		
	Sandy Creek	9	30	.....	39		
	Spicer's Creek	20	27	.....	47		
Stuart Town	162	61	.....	223			
Suntop	11	26	.....	37			
Tambaroora	38	15	.....	53			
Tuckland	20	27	.....	47			
Upper Pyramul	8	9	.....	17			
Warne	41	12	.....	53			
Wooloman	15	29	.....	44			
Wellington	354	283	.....	637			
	Total	1,239	1,053	.....	2,292		
Wentworth	Arumpo	0	0	1	5	0	6
	Balranald	62	0	93	55	6	213
	Black Gate	0	0	2	12	0	34
	Buckalow	0	0	3	0	0	3
	Cal Lal	0	0	9	18	0	27
	Clare	1	2	4	29	0	36
	Conorgie	1	0	1	25	0	27
	Cuthero	1	0	13	31	0	45
	Euston	2	3	6	38	0	49
	Glen Dee	1	1	3	1	0	6
	Gol Gol	0	0	2	17	0	19
	Hatfield	1	3	3	2	0	9
	Homebush	2	1	2	9	0	14
	Junction Euston and Balranald Roads	3	6	8	7	0	24
	Karpakora	0	0	3	9	0	12
	Kars	1	0	10	5	0	16
	Lake Victoria	0	0	5	2	0	7
	Mallee Cliffs	0	1	3	4	0	8
	Menindie	0	0	1	71	0	72
	Middle Camp	0	0	1	5	0	6
	Moorna	0	1	0	2	0	3
	Oxley	2	6	28	17	0	53
	Para East	0	3	3	29	0	35
	Pooncaira	1	0	10	45	1	57
	Popiltah	1	0	3	12	0	16
	Red Gate Government Tank, Euston Road	2	4	2	4	0	12
	Till Till	2	0	10	0	1	13
Tolaro	0	0	3	33	0	36	
Turlee	0	0	6	8	0	14	
Wakool	2	0	2	4	0	8	
Wentworth	0	3	21	130	1	155	
	Total	85	34	258	649	9	1,035
Wickham		Errington, George.	Fegan, John Lionel.	Shedden, William McGregor.			
	Carrington	166	294	14	2	476	
	Islington	151	183	60	1	395	
	Snedmore	65	30	6	0	101	
	Tighe's Hill	92	130	15	2	239	
Wickham	203	368	95	3	669		
	Total	677	1,005	190	8	1,880	



Electorate.	Polling-place.	Names of Candidates.			Informal Votes.	Total number of Votes recorded.
		Bell, Thomas Henry.	Buzacott, John.	Slcath, Richard.		
Wilcannia	Baden Park ...	5	0	0	0	5
	Box Camp ...	3	4	1	0	8
	Cobham ...	12	4	9	0	25
	Corona ...	3	2	1	0	6
	Cultowa ...	2	1	2	0	5
	Elsinora ...	10	1	2	0	13
	Goorimpa ...	2	3	0	0	5
	Langawirra ...	2	2	1	0	5
	Milparinka ...	14	8	11	0	33
	Momba ...	15	2	7	0	24
	Mount Brown ...	0	0	15	0	15
	Pearce's ...	7	4	13	0	24
	Salisbury Downs ...	4	9	1	0	14
	Tibooburra ...	17	29	17	2	65
	Tilpa ...	3	4	19	0	26
	Walloo ...	4	3	1	0	8
	Warratta West ...	6	1	5	0	12
	Wcinteriga ...	4	4	1	0	9
	Wertago ...	0	2	8	0	10
	White Cliffs ...	25	289	396	7	717
	Wilcannia ...	113	23	96	1	233
Yancannia ...	3	13	11	0	27	
Yandama ...	9	3	4	0	16	
Yandarlo ...	12	1	8	0	21	
Yalpurga ...	5	2	8	0	15	
	Total ...	280	414	637	10	1,341
Willoughby		Howarth, George.	Lepplastiz, Claude.	Waite, George.		
	Berowra ...	10	1	1	0	12
	Chatswood ...	250	113	17	4	384
	Gordon ...	54	15	0	1	70
	Greenwich ...	41	6	18	0	65
	Hawkesbury River ...	11	42	6	0	59
	High-street, Willoughby ...	123	21	11	0	155
	Hornsby ...	116	57	6	0	179
	Lindfield ...	47	37	1	0	85
	Longueville ...	46	25	2	2	75
	Naremburn ...	19	7	2	0	28
	North Sydney ...	459	233	216	3	911
	Pennant Hills ...	23	29	0	1	53
	Pymble ...	91	39	9	0	139
	St. Ives ...	37	20	1	0	58
	Sydney ...	203	147	18	3	371
Thornleigh ...	57	34	0	1	92	
Turrumuna ...	33	43	3	0	79	
Wahroonga ...	51	33	3	1	88	
	Total ...	1,671	902	314	16	2,903
Woolahra		Garland, John.	Latimer, William Fleming.			
	Cross-street, Double Bay ...	75	63	0	0	138
	Council Chambers ...	122	130	0	0	258
	Odifellows' Hall ...	219	565	0	0	784
	St. Mark's School ...	251	186	0	0	437
	Sydney ...	54	54	0	0	109
Watson's Bay ...	88	37	0	0	125	
	Total ...	809	1,041	0	1,850	
Woronora		Bissell, Thomas.	Nicholson, John Barnes.	Wonders, John.		
	Balgownie ...	44	104	2	2	152
	Bellambi ...	24	41	0	1	66
	Bulli ...	126	99	0	4	229
	Clifton ...	47	104	1	2	154
	Corrimal ...	75	116	2	2	195
	Helensburgh ...	154	179	6	3	342
	Keira Village ...	33	96	2	1	132
	Miranda ...	34	55	0	1	90
	Old Bulli ...	60	30	1	1	92
	Para Meadow ...	24	30	1	1	56
	Sherbrooke ...	20	2	0	1	23
	Sutherland ...	50	66	0	2	118
	Sydney ...	9	10	0	1	20
	Thirroul ...	46	29	0	2	77
Woonona ...	88	133	1	3	230	
	Total ...	834	1,090	16	27	1,976

Electorate.	Polling-place.	Names of Candidates.		Informal Votes,	Total number of Votes recorded.			
		Affleck, William.	Grogan, Bernard John.					
Yass ... ..	Bowning ... ..	37	74	0	111			
	Bookham ... ..	9	37	0	46			
	Booth's Farm ... ..	35	9	0	44			
	Byalla ... ..	18	18	0	36			
	Bevandale ... ..	25	2	0	27			
	Coodra Vale ... ..	20	28	0	48			
	Dalton ... ..	65	18	0	113			
	Douglas Park ... ..	9	9	0	18			
	Grabben Gullen ... ..	26	101	0	127			
	Greenfield Farm ... ..	14	7	0	21			
	Gunning ... ..	128	62	0	190			
	Jerrawa ... ..	52	14	0	66			
	Murrumbateman ... ..	81	34	0	115			
	Narrawa ... ..	32	15	0	47			
	Tangmangaroo ... ..	11	21	0	32			
	Wargeila ... ..	31	17	0	48			
	Warroo ... ..	14	25	0	39			
Yass ... ..	238	308	0	546				
	Total ... ..	875	799	0	1,674			
Young ... ..		Burgess, G. A.	Lynch, John.	Rankin, J. C.	Spring, Thomas.	Tewks- bury, A. R.		
	Bendick Morrell ... ..	21	10	0	4	13	0	48
	Creighton's Creek ... ..	3	28	0	2	0	0	33
	Grogan ... ..	7	6	3	0	15	0	31
	Koorawatha ... ..	20	17	6	1	4	0	48
	Marengo ... ..	90	11	3	4	18	0	126
	Monteagle ... ..	32	5	0	12	15	0	64
	Narraburra ... ..	14	9	1	2	16	0	42
	Springdale ... ..	21	6	0	0	34	0	61
	Stockinbingal ... ..	20	30	1	1	45	0	97
	Temora ... ..	215	15	5	9	328	0	572
	Thuddungra ... ..	4	15	0	10	4	0	33
	Tipperary Gully ... ..	37	7	1	3	2	0	50
	Trungley ... ..	9	3	0	0	22	0	34
	Tubbul ... ..	15	13	1	7	28	0	64
	Young ... ..	325	94	28	293	70	0	810
		Total ... ..	833	269	49	348	614	0

*Herbert Walker*

Principal Under Secretary.

Chief Secretary's Office,  
Sydney, 9th July, 1902.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

WOMEN'S ELECTORAL RIGHTS AND FEDERAL  
ELECTORAL ROLLS.

(PARTICULARS RESPECTING.)

*Ordered by the Legislative Assembly to be printed, 17 November, 1903.*

[Laid upon the Table of this House in accordance with promise made in answer to Question No. 7, of 12th November, 1903.]

## Question.

- (7.) Women's Electoral Rights:—*Mr. E. M. Clark*, for Mr. Latimer, asked the Colonial Secretary,—
- (1.) Is it a fact that the Women's Electoral Rights now being delivered by the Police have been filled in from the Roll as compiled twelve months ago?
  - (2.) Is it true that a scrutiny of the Rolls in July last revealed the fact that many hundreds of women voters in each electorate had removed into other electorates, or died, or otherwise forfeited or ceased to hold the qualification of an elector?
  - (3.) Is it a fact that each of the above persons was, during such scrutiny, on the corrected Roll, as furnished to the Electoral Office in July last, marked "Left the district," "Dead," &c., notwithstanding which the Electoral Department has caused rights to be made out for every one of them?
  - (4.) Is it a fact that the Women's Rights so uselessly made out total upwards of 800 for each State electorate, or an aggregate of over 100,000 for the whole State?
  - (5.) Is it a fact that upwards of 200,000 of these wasted "rights" are at present lying in the various Police Stations and Registrars' Offices throughout the State?
  - (6.) What is the cost of Electors' Rights per 100, as delivered by the Government Printer; and what price per 100 has been paid for filling in of same?
  - (7.) What was the cost to this State of the stores, stationery, salaries, and wages, and all other charges in connection with the Electoral Office during the past twelve months ending on 31st October, 1903?
  - (8.) Were the Federal Electoral Rolls, as now exhibited, printed by private firms in the city; if so, what are the names of the firms, and the amount paid and to be paid to each for the work?
- Sir John See answered.—Information upon this subject is now being prepared with all dispatch, and will be laid upon the Table when procured?

## Answer.

- (1.) No. The Rolls were revised in July last.
- (2.) Yes, in the City and Suburban electorates; in the Country electorates the numbers were less.
- (3.) The marked Rolls were not received until August.
- (4.) No.
- (5.) No.

(6a.)	Cost, 2s. 4d. per 100;	(6b.)	6s. per 100 rights and butts, for writing.	£	s.	d.
(7.)	Stores and stationery	...	...	98	16	6
	Salaries	...	...	2,995	0	5
	Overtime	...	...	620	6	1
	Writing Electors' Rights (females)	...	...	860	10	9
	Advertising	...	...	147	7	1
	Rent	...	...	214	13	
	Printing Provisional Lists (in country)	...	...	5	4	0
	Allowance to Deputy Electoral Registrars	...	...	247	8	8
	Postage, &c.	...	...	773	7	9
	Travelling expenses	...	...	2	13	6
	Cleaning premises	...	...	5	11	1
	Fuel and light	...	...	6	16	3
	Allowance to police, Southern District (collecting Lists, female electors)	...	...	49	5	0

£6,027 0 9

(8.) A portion, totalling about 6 per cent. of the work, was distributed amongst ten private firms in the City. The lowest price charged was 18s. 6d. per page, the majority charging 30s. per page.

The following are the names of the firms, and the amounts charged by each:—

	£	s.	d.
S. E. Lees	237	0	0
S. D. Townsend & Co.	45	0	0
Batson & Co. (Limited)	82	10	0
S. T. Leigh & Co.	60	0	0
F. Cunninghame & Co.	97	10	0
J. Andrews & Co.	82	10	0
Websdale, Shoosmith, & Co.	42	11	0
W. E. Smith (Limited)	96	0	0
W. C. Penfold & Co.	43	10	0
W. Brooks & Co.	139	10	0

Such employment of outside assistance was particularly urged upon the Colonial Treasurer by the Commonwealth Chief Electoral Officer, Mr. Lewis, and was of value by slightly shortening the time of production.

The remaining 94 per cent. of the Lists were done in the Government Printing Office, at a total cost of 12s. 4d. per page.

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## FRANCHISE FOR INMATES OF GOVERNMENT CHARITABLE INSTITUTIONS.

(PETITION FROM INMATES OF THE GOVERNMENT ASYLUMS FOR THE INDIGENT, AGED, AND INFIRM, GEORGE-STREET, PARRAMATTA, PRAYING THAT THE FULL RIGHTS OF CITIZENSHIP MAY BE EXTENDED TO THEM.)

*Received by the Legislative Assembly, 23 June, 1903.*

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

The Petition of the undersigned inmates of the Government Asylum for the indigent, aged, and infirm, George-street, Parramatta,—

HUMBLY SHOWETH:—

That citizens of the State of New South Wales are disfranchised when they are compelled, under force of circumstances, to seek shelter in a Government charitable institution.

That it is owing to their physical infirmity as aged veterans of labour, or as workers disabled by accidents, or aged before their time by unhealthy occupations in the industries of the State, that they are inmates of the institutions, and not from mental incapacity or as convicted criminals undergoing punishment.

That persons of the same class, who are given larger State aid in the shape of the old-age pension, or who are receiving assistance from private charities, are not disfranchised.

That all objections to the enfranchisement of the inmates of Government charitable institutions were fully gone into in the debate on the Commonwealth Franchise Bill in the Federal Parliament and were found untenable, and any distinction between the several sections of recipients of charitable aid was declared to be illogical; therefore, the same right to the Commonwealth vote was justly accorded to those people receiving aid in Government institutions that could not be denied to other people who were charitably assisted outside of them.

That disfranchisement classes them, politically, with lunatics and criminals, a stigma that they have not done anything to deserve.

That an unrepresented class or section of a community cannot obtain even-handed justice in any country is accepted as a political axiom everywhere.

Your Petitioners, therefore, humbly pray that your Honourable House will grant them the full rights of citizenship, which they have not done anything to forfeit, by allowing the Act bearing on adult suffrage, or any other Act connected with the matter, to be amended in such a manner as to make it completely a just and logical enactment.

And your Petitioners, as in duty bound, will ever pray.

*[Here follow 385 signatures.]*



1903.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

---

REPORT FROM THE SELECT COMMITTEE

ON

BRODIE'S ENABLING ACT AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
16 *September*, 1903, *a.m.*

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SYDNEY: WILLIAM APPELEGATE GULLICK, GOVERNMENT PRINTER

1903.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.

VOTES NO. 33. TUESDAY, 1 SEPTEMBER, 1903.

6. BRODIE'S ENABLING ACT AMENDMENT BILL (*Formal Motion*).—Mr. E. M. Clark moved, pursuant to Notice, That leave be given to bring in a Bill to amend Brodie's Enabling Act, 1900. Question put and passed.

VOTES NO. 34. WEDNESDAY, 2 SEPTEMBER, 1903.

7. BRODIE'S ENABLING ACT AMENDMENT BILL :—Mr. E. M. Clark pursuant to leave granted on the 1st September, 1903, having presented a Bill, and produced a certificate of the payment of the sum of Twenty-five pounds to the credit of the Consolidated Revenue Fund of the State, Bill, intituled "*A Bill to amend Brodie's Enabling Act, 1900*,"—read a first time.
13. BRODIE'S ENABLING ACT AMENDMENT BILL (*Formal Motion*) :—Mr. E. M. Clark moved, pursuant to Notice,—
- (1.) That Brodie's Enabling Act Amendment Bill be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Sir John See, Mr. Nobbs, Mr. Haynes, Mr. Briner, Mr. Davis, Mr. John Hurley, Mr. Evans, Mr. Gilbert, Mr. Jones, and the Mover.
- Question put and passed.

VOTES NO. 40. WEDNESDAY, 16 SEPTEMBER, 1903, A.M.

12. BRODIE'S ENABLING ACT AMENDMENT BILL :—*Mr. J. C. L. Fitzpatrick*, on behalf of Mr. E. M. Clark, Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before the Select Committee for whose consideration and report this Bill was referred on 2nd September, 1903; together with Appendix and a copy of the Bill as agreed to by the Committee.

\* \* \* \* \*

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings .....	2
Report .....	3
Proceedings of the Committee.....	4
List of Witnesses .....	4
Minutes of Evidence .....	5
Appendix .....	6



1903.  

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## BRODIE'S ENABLING ACT AMENDMENT BILL.

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**REPORT.**

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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 2nd September, 1903, the "*Brodie's Enabling Act Amendment Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List\* (whose <sup>\* See List, p. 4.</sup> evidence will be found appended hereto), and that, the Preamble having been satisfactorily proved to your Committee, they proceeded to consider the clauses and Schedules of the Bill, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill as agreed to by them.

EDWARD M. CLARK,  
Chairman.

No. 1 Committee Room,  
Legislative Assembly,  
15th September, 1903.

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## PROCEEDINGS OF THE COMMITTEE.

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TUESDAY, 8 SEPTEMBER, 1903.

## MEMBERS PRESENT:—

Mr. E. M. Clark,  
Mr. Gilbert,

Mr. Jones,  
Mr. Evans.

Mr. Clark called to the Chair.

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

Printed copies of the Bill *referred*, together with original Petition to introduce same, before the Committee.

Arthur Yabsley, Esquire, represented Messrs. Read and Read, solicitors for the Bill.

Arthur Yabsley sworn and examined.

Witness withdrew.

Committee deliberated.

*Ordered*,—That the witness (Mrs. Gilroy) obtain from her daughter at Lismore an affidavit agreeing to the Amending Bill.

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

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TUESDAY, 15 SEPTEMBER, 1903.

## MEMBERS PRESENT:—

Mr. E. M. Clark in the Chair.

Mr. Gilbert,

Mr. Briner.

Mr. Nobbs,

Mary Ellen Gilroy recalled and further examined.

Witness handed in an affidavit signed by Eleanor Theresa Doran, of "Airlie," Casino-road, Lismore, eldest daughter, consenting to the Private Bill to amend Brodie's Enabling Act, 1900 (*See Appendix*).

Witness withdrew.

Room cleared.

Preamble considered.

Question,—“That this Preamble stand part of the Bill,”—put and passed.

Clauses 1, 2, 3, 4, and 5 read and *agreed* to.

Schedules first and second read and *agreed* to.

Chairman to report the Bill, without amendment, to the House.

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LIST OF WITNESSES.

	PAGE.
Yabsley, Arthur .....	5
Gilroy, Mary Ellen .....	5, 6

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

BRODIE'S ENABLING BILL.

TUESDAY, 8 SEPTEMBER, 1903.

Present:—

MR. J. G. EVANS, | MR. G. A. JONES,  
MR. O. GILBERT.

E. M. CLARK, ESQ., IN THE CHAIR.

Arthur Yabsley, Articled Clerk to Messrs. Read and Read, Solicitors, sworn and examined:—

1. *Chairman.*] You are acquainted with the facts connected with the passing of the Brodie Enabling Act in the year 1900? Yes.
2. You are aware that the clauses of that Act do not carry out the intention of the preamble? Yes.
3. The preamble of the Act was to give power to mortgage, sell, or otherwise dispose of? Yes, but the operative part did not carry out the preamble.
4. You know that Mrs. Gilroy has had some trouble in dealing with this matter because of that mistake? Yes.
5. The intention of the present Bill is to give her the power which she thought she had under the original Act? That is so.
6. *Mr. Jones.*] Does this Bill give the necessary power? Yes.
7. *Chairman.*] Is there anything more that you wish to add? No.

Mary Ellen Gilroy, wife of Peter Gilroy, sworn and examined:—

8. *Chairman.*] You remember that an Act was passed some three years ago giving you certain powers in connection with a trust from your father to you for the benefit of yourself and children? Yes.
9. You intended that that Act should give you power to mortgage, sell, and otherwise dispose of certain land? Yes.
10. There was no objection on the part of anyone interested in the trust to that power being given you? No.
11. You subsequently found that you could not mortgage the land? I could not mortgage or lease it.
12. You found some difficulty in disposing of it? I could not dispose of it. I disposed of one block, and I had to pay the expenses in connection with it.
13. The land did not fetch the price that you thought it would? No; I could not sell it at all.
14. If you could mortgage the land you could build upon it? Yes.
15. With power to mortgage you could make the land profitable to you? It is not profitable as it is, because I cannot get enough from it to pay land tax and water rates.
16. If you could mortgage it and build upon it you could carry out the intention of the original Act of 1900? Yes.
17. *Mr. Gilbert.*] You have a daughter over the age of 21? Yes.
18. Is she perfectly satisfied with the powers proposed to be granted to you under this Bill? Yes.
19. She has given her consent to this proposal? Yes. She is at Lismore at present.
20. *Chairman.*] When did she go to Lismore? Just after the publication of the first advertisement in the newspaper regarding the Bill.
21. She knew that the Bill had been advertised? Yes.
22. Is she quite willing that this Bill should be passed? Yes; I am quite sure of that.

TUESDAY, 15 SEPTEMBER, 1903.

Present:—

MR. G. S. BRINER,

MR. O. GILBERT.

MR. J. NOBBS,

E. M. CLARK, ESQ., IN THE CHAIR.

Mary Ellen Gilroy, sworn and further examined:—

23. You produced a statutory declaration from your daughter, Eleanor Theresa Doran? Yes; I desire to hand in the following. [*See Appendix.*]

## BRODIE'S ENABLING BILL.

### APPENDIX.

[*To Evidence of Mary Ellen Gilroy.*]

#### STATUTORY DECLARATION.

I, JAMES DORAN, station-master, of "Airlie," Casino-road, Lismore, in the State of New South Wales, do solemnly and sincerely declare that:—

1. I was present at Lismore on the 11th day of September, one thousand nine hundred and three, when the said Eleanor Theresa Doran, the wife of James Doran, did in my presence read a copy of a Bill intituled "A Bill to amend Brodie's Enabling Act, 1900," now being passed through the Legislative Assembly, and the said Eleanor Theresa Doran did express her approval of the same, and her consent thereto, and did sign the consent hereunto annexed and marked "A."

2. The signature, Eleanor Theresa Doran, set and subscribed to the said consent is in the proper handwriting of the said Eleanor Theresa Doran; and the signature, James Doran, set and subscribed to the aforesaid consent as the attesting witness thereto, is of the proper handwriting of me, this Declarant.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

Subscribed and declared at Lismore, this 11th day }  
of September, 1903, before me,—

JNO. C. McINTOSH, a Commissioner for Affidavits.

-JAMES DORAN.

#### A.

#### CONSENT.

I, ELEANOR THERESA DORAN (formerly Gilroy), wife of James Doran, of "Airlie," Casino-road, Lismore, in the State of New South Wales, station-master, and the eldest daughter and only child of Peter and Mary Gilroy, of Turramurra, near Sydney, being above the age of 21 years, do hereby consent to a private Bill being passed to amend "Brodie's Enabling Act, 1900," by authorising the mortgaging and leasing of certain lands and hereditaments comprised in a certain Indenture of Settlement made by John Brodie and Ellen his wife, and by extending the power of sale over the said lands and hereditaments created by the said "Brodie's Enabling Act, 1900," and for other purposes, and which said lands are situate at Turramurra aforesaid, and to apply the moneys arising therefrom in whatever manner the said Mary Gilroy (and after her death, the trustee of the said settlement) shall think best for the maintenance, education, and advancement in life of the children of the said Mary Gilroy, I having read a copy of the said Bill, and fully understanding the nature and effect thereof.

Dated this 11th day of September, in the year of our Lord one thousand nine hundred and three.

Signed by the abovenamed Eleanor Theresa Doran, }  
in the presence of—

JAMES DORAN.

ELEANOR THERESA DORAN.

This is the consent marked "A" mentioned and referred to in the Declaration of James Doran, of Lismore, station-master, declared at Lismore, on the 11th day of September, 1903, before me,—

JNO. C. McINTOSH,  
A Commissioner for Affidavits.

1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## REPORT FROM THE SELECT COMMITTEE

ON

GOULBURN ROMAN CATHOLIC CHURCH LAND  
SALE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

30th July, 1903.

SYDNEY: WILLIAM APPELEGATE GULLICK, GOVERNMENT PRINTER.

1903.

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**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.**

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VOTES No. 8. WEDNESDAY, 1 JULY, 1903.

1. GOULBURN ROMAN CATHOLIC CHURCH LAND SALE BILL:—
- (1.) Mr. Ashton presented a Petition from the Very Reverend Michael Slattery, acting for the Right Reverend John Gallagher, the Roman Catholic Bishop of Goulburn, representing that the "Goulburn Roman Catholic Church Land Sale Bill," which was introduced into this House last Session, and referred to a Select Committee, was interrupted by the close of the Session; and praying that leave be given to proceed with the said Bill this Session,—  
And the 409th Standing Order of this House permitting of the prayer of the said Petitioner being entertained,—  
Petition received.
- (2.) Mr. Ashton then moved,—
- (1.) That the Goulburn Roman Catholic Church Land Sale Bill be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Mr. John Hurley, Mr. Dick, Mr. Nielsen, Mr. Macdonald, Mr. J. C. L. Fitzpatrick, Mr. Gormly, Mr. Thomas Fitzpatrick, Mr. Briner, and the Mover.
- Question put and passed.

\* \* \* \* \*

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VOTES No. 20. THURSDAY, 30 JULY, 1903.

11. GOULBURN ROMAN CATHOLIC CHURCH LAND SALE BILL:—Mr. Ashton, as Chairman, brought up the Report from, and laid upon the Table the Minutes and Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 1st July, 1903, together with a copy of the Bill as agreed to by the Committee.
- Ordered to be printed.
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CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings .....	2
Report .....	3
Proceedings of the Committee.....	4
List of Witnesses .....	4
Minutes of Evidence .....	5

1903.

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**GOULBURN ROMAN CATHOLIC CHURCH LAND SALE BILL.**


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**REPORT.**


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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 1st July, 1903, the "*Goulburn Roman Catholic Church Land Sale Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List\* (whose <sup>\* See List, p. 4.</sup> evidence will be found appended hereto), and carefully considered the Bill referred, in which it was not deemed necessary to make any amendment.

Your Committee now beg to lay before your Honorable House the Bill as agreed to by them.

JAMES ASHTON,  
Chairman.

No. 2 Committee Room,  
Legislative Assembly,  
29th July, 1903.

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## PROCEEDINGS OF THE COMMITTEE.

---

 WEDNESDAY, 29 JULY, 1903.

## MEMBERS PRESENT:—

 Mr. Ashton,  
 Mr. Dick,  
 Mr. Briner,

Mr. Thomas Fitzpatrick.

 Mr. John Hurley,  
 Mr. J. C. L. Fitzpatrick,  
 Mr. Gormly,

Mr. Ashton called to the Chair.  
 Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.  
 Printed copies of the Bill *referred* together with original Petition to introduce same, and Petition under the 409th Standing Order for leave to proceed during the present Session before the Committee.  
 Herbert Richardson Clark sworn and examined.  
 Witness withdrew.  
 The Reverend Michael O'Sullivan called in, sworn, and examined.  
 Room cleared.  
 Preamble considered.  
 Question,—“That this Preamble stand part of the Bill,”—put and passed.  
 Clauses 1, 2, and 3 read and *agreed* to.  
 Schedules read and *agreed* to.  
 Title read and *agreed* to.  
 Chairman to report the Bill, without amendment, to the House.

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 LIST OF WITNESSES.

	PAGE.
Clark, Herbert B. ....	5
O'Sullivan, The Rev. Michael .....	



A 5

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

APPOINTED TO INQUIRE INTO THE

GOULBURN ROMAN CATHOLIC CHURCH LAND SALE  
BILL.

WEDNESDAY, 29 JULY, 1903.

Present:—

MR. ASHTON,

MR. DICK,

MR. T. FITZPATRICK,

MR. JOHN HURLEY.

MR. BRINER,

MR. J. C. L. FITZPATRICK,

MR. GORMLY,

JAMES ASHTON, Esq., IN THE CHAIR.

Herbert Richardson Clark sworn and examined:—

1. *Chairman.*] Do you represent the firm of Crick & Carroll, solicitors for the Bill? Yes.
2. Are they acting on behalf of the Roman Catholic Bishop of Goulburn, Dr. John Gallagher? Yes.
3. Will you state briefly the objects of the Bill as set out in the preamble? The object of the Bill is to vest in the present Roman Catholic Bishop of Goulburn and his successors in that office the fee-simple of the lands mentioned in the schedules to the Bill, so that the Roman Catholic Bishop may be able to sell them to a purchaser and give a title.
4. Is the fee-simple vested in the Bishop at present as a trustee? Yes.
5. Is the object of the Bill to enable the trustee to dispose of these lands which are now, more or less, useless to the Church? Yes.
6. And to apply the proceeds of the sale of the lands to Church purposes? Yes, as shown by clause 2 of the Bill. Clause 1 gives the Bishop power to sell, and clause 2 provides for the appropriation of the proceeds to certain charities mentioned in sub-clauses *a*, *b*, *c*, and *d*.
7. Have some of these lands been purchased by predecessors in office of the Bishop of Goulburn for church purposes? Yes, the predecessor of the present Bishop purchased all the lands, as shown in the schedules; in some cases he took a conveyance directly to himself, not disclosing any trust. In other cases he took conveyance disclosing a trust, and then in his will he declared that any land he died possessed of was charged with a trust for general church purposes for the Diocese of Goulburn.
8. So that there has been either conveyances in trust for the Church, or in cases where a trust is not shown in such conveyance, there is a declaration of trust which covers all the other land in the Bill? Yes, a declaration in his will. I drew the Bill; I went through all the deeds; I scheduled them, and I have taken particular care to recite the effect of every deed, so as to effectually disclose the trust.
9. Does the present Bishop of Goulburn, the Right Rev. John Gallagher, become under the will of the previous Bishop the trustee of these lands? He is the sole trustee.
10. As a matter of law is it a fact that it is not competent for him to dispose of those lands, owing to the existence of that trust without the passage of an Act of Parliament? Yes. I have drawn the deed which is recited here, appointing the present Bishop the sole trustee of all the lands mentioned in the Bill.
11. Does that cover the whole ground of the preamble? Yes.
12. What is the object of clauses 1 and 2? The object of clause 1 is to enable the present Roman Catholic Bishop of Goulburn, his heirs and assigns, to sell by public auction or private contract, either in one lot or several lots, all the lands mentioned in the several schedules to the Bill, at such prices as can be obtained for them, and to effectually convey the land so sold to a purchaser, freed and discharged from the trust and that the receipt in writing of the Bishop, being the trustee, shall effectually discharge any person

Witness—H. R. Clark, 29 July, 1903.

person paying the purchase-money. The second clause relates to the disposal of the purchase-money received on the sale of the lands. First of all, it will be discretionary with the Bishop and his successors to devote the proceeds to any of the objects mentioned in sub-clauses *a*, *b*, *c*, and *d*, clause 2; that is, to the purchase of other land or for church and charitable purposes; it gives the usual protection to trustees paying or receiving money. I put in a special clause with regard to any money dispensed under sub-clause *c*, as follows:—

To dispense such charity amongst the poor, infirm, aged, and sick in the said diocese in such manner as the trustee in his absolute discretion shall see fit.

Any declaration of the Bishop shall be a perfect discharge of money spent in that way.

13. *Mr. Dick.*] What is there in the conditions of the present trust which prevents the Roman Catholic Bishop disposing of the lands in that way without a Bill? He could not sell the lands because he has to hold them for church purposes, and apply the rents and profits, if any, to church purposes. The trust does not confer on him any power to sell the lands.

14. *Chairman.*] On page 4 of the Bill is it not stated:—

And whereas by a memorandum, endorsed upon the last hereinbefore recited indenture in the handwriting of the said William Lanigan, he did under his hand duly witnessed on the thirteenth day of February anno domini one thousand eight hundred and eighty-eight, declare that he held the lands, hereditaments, and premises appointed and conveyed to him by the said last hereinbefore recited indenture in trust for the Roman Catholic Church purposes, and that the Roman Catholic Bishop of Goulburn for the time being was to be sole trustee, and to declare what such purposes were, but that the said lands and hereditaments were always to remain Roman Catholic Church property?

Yes, that relates to a particular block. If you turn to the will you will find the general trust. It is there declared that any land he purchased in Goulburn was purchased as Roman Catholic Church property for Roman Catholic purposes, and it declared that all such lands were solely for Roman Catholic purposes.

15. Has counsel advised that that is a bar to sale except under the authority of a special Act of Parliament? Yes. Perhaps I am incorrect in saying that absolutely; I think counsel's opinion was that we might be able to sell the land if we instituted a suit in Equity, but I think that would swamp all the purchase money.

The Rev. Michael O'Sullivan sworn and examined:—

16. *Chairman.*] Are you a priest of the Roman Catholic Church? Yes, of the Cathedral parish of Goulburn.

17. Do you appear here under the instructions and by the authority of the Administrator of the Diocese? Yes, the Very Rev. Father Slattery.

18. Do you know the position and areas of the lands referred to in the various schedules of the Bill? Yes.

19. Can you speak generally as to its value, or want of value, in connection with the church? Yes; as far as the lands could be applied for church buildings or things of that kind, as far as we know at present, or such as would be connected with the church, they would be absolutely useless, owing to their position and environment. They are too far removed from the church and school lands at present in the parish of Goulburn.

20. Does the first schedule refer to about a quarter of an acre in Lagoon-street? Yes. That is in North Goulburn.

21. What is the value of that? That is the property which led to this Bill being introduced, because I told a certain man he could have the land for £200. When the Bishop went to the solicitor's office to convey the property, it was found that according to the terms of the will, he was absolutely unable to do so. Then counsel's advice was sought, and it was thought preferable to have a private Bill passed. He could hand the property over, but he could not give the deeds in the ordinary way. It was proposed to sell that land for £200.

22. Does the second schedule refer to half an acre of land in Coromandel-street? Yes. It is over a quarter of a mile from the church properties, so that for building purposes it would be absolutely useless. If we were to lease or rent it we would perhaps be able to get enough to cover the taxation. There is no building on it. I cannot exactly say what is its value, but judging by the way in which properties are being sold in Goulburn, it would be of very little value—perhaps about £100.

23. Does the Third Schedule refer to three lots of half an acre each in Bourke-street and Monday-street? Yes.

24. What is the situation of those lands with regard to the main church properties? I think that land was purchased with the object of building an orphanage; it would be totally unsuitable for an orphanage, because it is in immediate proximity to the sale-yards. The land is not fertile, so that it would not increase the funds of the orphanage. I should say, however, that there would be anxiety at present on the part of the Church authorities to sell that land. Its value is about £250.

25. Does the Fourth Schedule, and also the Seventh and Eighth Schedules, refer to land in Montague-street; and do those allotments adjoin? Yes.

26. Does that land constitute a block, consisting of 3 or 4 acres? Yes; that property was used for a time as a home for the Patrician Brothers. They are no longer in Goulburn, but their place is occupied by the Christian Brothers, who do not occupy the house which is on the land; they live at St. Patrick's College, so that, as far as educational purposes are concerned, the house is useless. A tenant occupies the house; if the place could be sold the money could be very judiciously expended in furthering the works mentioned in the Bill.

27. Would the church sell that land if it had the power? Yes; I believe so.

28. What is the value of that land? I think it would realise about £1,000, speaking roughly.

29. *Mr. Briner.*] What does the church receive for this property? We get about £30 a year.

30. Does the Fifth Schedule refer to half an acre in Bourke-street;—what is the value of that block? Yes; the value is about £200 or £300. I do not think there would be any great desire on the part of the Bishop to sell that.

31. *Mr. Gormly.*] What is the total value of the lands referred to in the Bill? About £1,750.

32. Has land depreciated very much in value lately? Yes; I purchased recently about 2 acres of land, which is very suitable for a school, for a little over £200.

33. *Mr. Briner.*] Do you think that the half acre which you last mentioned is worth £200? I think it would realise that; it is more centrally situated than the other land.

1903.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE

ON THE

MURRUMBIDGEE NORTHERN WATER SUPPLY  
AND IRRIGATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
24 November, 1903.

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SYDNEY: WILLIAM APPLIGATE GULLICK, GOVERNMENT PRINTER.

1903.

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THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

BY

ROBERT M. WAYNE

1954

1903.

**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.**

VOTES No. 38. FRIDAY, 11 SEPTEMBER, 1903, A.M.

19. MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL:—Mr. Briner moved, pursuant to Notice,—

(1.) That the Murrumbidgee Northern Water Supply and Irrigation Bill be referred to a Select Committee for consideration and report.

(2.) That such Committee consist of Mr. O'Sullivan, Mr. Byrne, Mr. Ashton, Mr. Rose, Mr. D. R. Hall, Mr. Affleck, Mr. Ferguson, Mr. Macdonald, and the Mover.

Debate ensued.

Mr. Perry moved, pursuant to Standing Order No. 142, That the Honorable Member for St. Leonards, Mr. E. M. Clark, be not further heard.

Question put.

The House divided.

Ayes, 17.

<p>Mr. J. F. Smith, Mr. Fegan, Mr. Perry, Mr. Briner, Mr. Crick, Mr. Gillies, Mr. Lonsdale, Mr. John Hurley, Mr. Bennett, Mr. O'Sullivan,</p>	<p>Mr. W. F. Hurley, Mr. Nicholson, Mr. Fallick, Mr. McGowen, Mr. Burgess. <i>Tellers,</i> Mr. McLaurin, Mr. Pyers.</p>
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Noes, 18.

<p>Mr. Garland, Mr. Carruthers, Mr. J. C. L. Fitzpatrick, Mr. Gilbert, Mr. Holman, Mr. Latimer, Mr. Oakes, Mr. Macdonell, Mr. Dick, Mr. Thomson,</p>	<p>Mr. Edden, Mr. E. M. Clark, Mr. Miller, Mr. Scobie, Mr. Dacey, Mr. Hollis. <i>Tellers,</i> Mr. Nobbs, Mr. Cohen.</p>
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And so it passed in the negative.

Debate continued.

Question put and passed.

VOTES No. 44. WEDNESDAY, 23 SEPTEMBER, 1903.

3. MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL:—Mr. Affleck presented a Petition from Jas. Alex. Brown, representing that the House had appointed a Select Committee to inquire into and report upon the Murrumbidgee Northern Water Supply and Irrigation Bill, and praying to be represented by Counsel or Attorney before such Committee, with the right to call, examine, and cross-examine witnesses.  
Petition received.

VOTES No. 45. THURSDAY, 24 SEPTEMBER, 1903.

3. MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL:—Mr. Wade presented a Petition from H. F. Chilcott, Sub-Manager of the Scottish Australian Mining Company, Limited, representing that the House had appointed a Select Committee to inquire into and report upon the Murrumbidgee Northern Water Supply and Irrigation Bill, and praying to be represented by Solicitor or Counsel before such Committee, with the right to call, examine, and cross-examine witnesses.  
Petition received.

VOTES No. 48. THURSDAY, 1 OCTOBER, 1903.

5. MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL:—Sir John See presented a Petition from Joseph Davis, Under Secretary of the Department of Public Works, representing that the House had appointed a Select Committee to inquire into and report upon the Murrumbidgee Northern Water Supply and Irrigation Bill, and praying to be represented by Solicitor or Counsel before such Committee, with the right to adduce evidence and send for persons and papers, and to examine and cross-examine witnesses.  
Petition received.

VOTES No. 66. TUESDAY, 10 NOVEMBER, 1903.

2. MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL:—Mr. Scobie presented a Petition from Walter Alexander Macpherson, of Paika, and others, representing that the Murrumbidgee Northern Water Supply and Irrigation Bill had been introduced into the Assembly and referred to a Select Committee for consideration and report, and praying to be represented by Counsel or Solicitor before such Committee, with permission to adduce evidence, send for persons and papers, and examine and cross-examine witnesses.  
Petition received.

VOTES

## VOTES No. 72. TUESDAY, 24 NOVEMBER, 1903.

11. MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL.—Mr. Ashton, *on behalf of* Mr. Briner, the Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 11th September, 1903, a.m., together with a copy of the Bill as amended and agreed to by the Committee.  
Ordered to be printed.

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 CONTENTS.

	PAGE.
Extracts from Votes and Proceedings .....	3
Report .....	5
Proceedings of the Committee .....	6
Schedule of Amendments .....	11
List of Witnesses .....	15
Minutes of Evidence .....	1

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1903.

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**MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL.**

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**REPORT.**

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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 11th September, 1903, a.m., the "*Murrumbidgee Northern Water Supply and Irrigation Bill*," beg to report to your Honorable House:—

That they have examined the witnesses named in the List\* (whose evidence will be found appended hereto) and the Preamble, as amended, having been satisfactorily proved to your Committee, they proceeded to consider the clauses and the Schedules of the Bill in which it was deemed necessary to make certain amendments. \* See List, page 15.

Your Committee now beg to lay before your Honorable House the Bill as amended by them, including an amendment in the Title.

G. S. BRINER,  
Chairman.

*No. 3 Committee Room,  
Legislative Assembly,  
19th November, 1903.*

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## PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 16 SEPTEMBER, 1903.

MEMBERS PRESENT:—

Mr. Macdonald,		Mr. Affleck,
	Mr. Briner.	

Mr. Briner called to the Chair.

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

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

TUESDAY, 22 SEPTEMBER, 1903.

MEMBERS PRESENT:—

Mr. Affleck,		Mr. D. R. Hall,
	Mr. Briner in the Chair.	
	Mr. Byrne.	

Printed copies of the Bill *referred*, together with original Petition praying for leave to introduce the same before the Committee.*Resolved (on motion of Mr. Briner)*, That the Press be admitted.Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel*) instructed by Messrs Bowman and Mackenzie (*Solicitors for the Bill*).

Mr. Bruce Smith addressed the Committee.

[Adjourned till Thursday next, at half-past Ten o'clock.]

THURSDAY, 24 SEPTEMBER, 1903.

MEMBERS PRESENT:—

Mr. Ashton,		Mr. Macdonald,
Mr. D. R. Hall,	Mr. Briner in the Chair.	Mr. Byrne.

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel*), instructed by Messrs. Bowman and Mackenzie (*Solicitors for the Bill*).Entry from Votes and Proceedings, referring Petition of James Alex. Brown, praying for leave to appear by Counsel, *read* by the Clerk.*Resolved (on motion of Mr. Ashton)*, That Petitioner be heard.Robert Gibson (*Grazier*) sworn and examined.

Witness withdrew.

*Resolved (on motion of Mr. Ashton)*, That the Chairman obtain leave of the House for the Committee to make visits of inspection from time to time to places within the State for the purpose of holding inquiries and taking evidence, and that the Committee have leave to sit during the sittings of the House, or any adjournment thereof, for the purpose of making such visits of inspection and taking evidence.

[Adjourned till To-morrow, at Two o'clock.]

FRIDAY, 25 SEPTEMBER, 1903.

The House having adjourned till Tuesday next, no meeting could be held.

TUESDAY, 29 SEPTEMBER, 1903.

MEMBERS PRESENT:—

Mr. Ashton,		Mr. Byrne,
Mr. Affleck,	Mr. Briner in the Chair.	Mr. Macdonald,
Mr. Ferguson,		Mr. D. R. Hall.

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Messrs. Bowman and Mackenzie (*Solicitors for the Bill*). Mr. Shand (*Counsel*) appeared on behalf of the Crown.Clerk read entry from Votes and Proceedings referring Petition of H. F. Chilcott (*Sub-manager of the Scottish-Australian Mining Company*) to be represented by counsel or solicitor before the Committee. Petition before the Committee.*Resolved (on motion of Mr. Ashton)*, That the prayer of the Petitioner be granted.Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) appeared for Mr. H. F. Chilcott.The Chairman read a letter from Mr. E. P. Simpson (*Solicitor*) requesting that the evidence of Mr. Gibson be not closed until he was afforded an opportunity of cross-examining the witness.*Resolved*, that "Mr. Simpson be informed of the date of an opportunity of examining Mr. Gibson."

Robert Gibson recalled and further examined.

Witness withdrew.

[Adjourned till to-morrow, at Two o'clock.]

WEDNESDAY,



7.

WEDNESDAY, 30 SEPTEMBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Macdonald,  
Mr. Ashton,  
Mr. Affleck,

Mr. D. R. Hall.

Mr. Byrne,  
Mr. Ferguson,  
Mr. Rose,

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Shand (*Counsel*) appeared on behalf of the Crown.

Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) appeared for Mr. H. F. Chilcott (*Sub-manager of the Scottish-Australian Mining Company*).

Robert Gibson recalled and further examined.

Witness withdrew.

Michael Rutledge (*Grazier*) called in, sworn, and examined.

Witness withdrew.

Hugh Giffen McKinney (*Civil Engineer*) called in, sworn, and examined.

Witness withdrew.

[Adjourned till to-morrow, at Two o'clock.]

THURSDAY, 1 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Macdonald,

Mr. Ferguson.

Mr. Byrne,

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Mr. Shand (*Counsel*) on behalf of the Crown.

Hugh Giffen McKinney (*Civil Engineer*) recalled and further examined.

Witness withdrew.

[Adjourned till to-morrow, at Two o'clock.]

FRIDAY, 2 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Ashton,  
Mr. Affleck,Mr. Byrne,  
Mr. Ferguson.

Present:—Mr. Bruce Smith with Mr. Mackenzie (*Counsel for the Promoters*) instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Clerk read entry from Votes and Proceedings referring Petition from Joseph Davis, Under Secretary of the Department of Public Works, praying for leave to be represented by counsel or attorney.

Mr. Shand (*Counsel*) on behalf of the Crown.

Hugh Giffen McKinney recalled and further examined.

Witness withdrew.

Allen Lakeman (*Land Agent*) called in, sworn, and examined.

Witness withdrew.

Walter Preddie (*Officer in the Government Statistician's Office*) called in, sworn, and examined.

Witness withdrew.

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

TUESDAY, 6 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Affleck,  
Mr. Byrne,Mr. D. R. Hall,  
Mr. Ferguson.

Present:—Mr. W. K. S. Mackenzie (*Counsel for the Promoters*) instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Mr. Shand (*Counsel*) on behalf of the Crown.

George Sides (*Grazier, Hay District*) called in, sworn, and examined.

Witness withdrew.

Hugh Giffen McKinney recalled and further examined.

Witness withdrew.

[Adjourned till to-morrow, at Two o'clock.]

WEDNESDAY,

## WEDNESDAY, 7 OCTOBER, 1903.

## MEMBERS PRESENT:—

Mr. Affleck, | Mr. Briner in the Chair. | Mr. Byrne,  
 | Mr. Ferguson. |

Present:—Mr. W. K. S. Mackenzie (*Counsel*) instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Shand (*Counsel*) on behalf of the Crown.

Samuel Nixon (*Farmer, Gunbar*) called in, sworn, and examined.

Witness withdrew.

Hugh Giffen McKinney recalled and further examined.

Witness withdrew.

Leslie Augustus Burton Wade (*Principal Engineer, Water Supply and Sewerage Construction*) called in, sworn, and examined.

Witness produced Plan showing proposed Murrumbidgee Northern Main Canal and Barren Jack Storage Reservoir.

Witness withdrew.

[Adjourned till To-morrow, at Two o'clock.]

## THURSDAY, 8 OCTOBER, 1903.

## MEMBERS PRESENT:—

Mr. Affleck, | Mr. Briner in the Chair. | Mr. Byrne,  
 Mr. Ferguson, | | Mr. Ashton,  
 | Mr. D. R. Hall. |

Present:—Mr. W. K. S. Mackenzie (*Counsel*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*). Mr. Shand (*Counsel*) on behalf of the Crown. Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Leslie Augustus Burton Wade recalled and further examined.

Witness produced Contour Plan of proposed Storage Reservoir at Barren Jack.

Witness withdrew.

Joseph Davis (*Under Secretary, Department of Public Works*) called in, sworn, and examined.

Witness withdrew.

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

## TUESDAY, 13 OCTOBER, 1903.

## MEMBERS PRESENT:—

Mr. Affleck, | Mr. Briner in the Chair. | Mr. Byrne,  
 | Mr. Ferguson. |

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*). Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Leslie Augustus Burton Wade recalled and further examined.

Witness produced Murrumbidgee River Diagram, showing the behaviour of proposed reservoir at Barren Jack in supplying 1,000 cubic feet per second at Hay from 1894 to 1903, inclusive; also Diagram showing height and discharge of the Murrumbidgee River at Wagga Wagga from the year 1879 to 1893; also from the year 1894 to 1902.

Witness withdrew.

[Adjourned till To-morrow, at Two o'clock.]

## WEDNESDAY, 14 OCTOBER, 1903.

## MEMBERS PRESENT:—

Mr. Affleck, | Mr. Briner in the Chair. | Mr. Ferguson,  
 | Mr. Byrne. |

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*). Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Leslie Augustus Burton Wade recalled and further examined.

Witness withdrew.

[Adjourned till To-morrow, at Two o'clock.]

## THURSDAY, 15 OCTOBER, 1903.

## MEMBERS PRESENT:—

Mr. Affleck, | Mr. Briner in the Chair. | Mr. D. R. Hall,  
 Mr. Ferguson, | | Mr. Byrne.

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*). Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Mr. Shand (*Counsel*) on behalf of the Crown.

Leslie Augustus Burton Wade recalled and further examined.

Witness withdrew.

[Adjourned till To-morrow, at Two o'clock.]

FRIDAY,

FRIDAY, 16 OCTOBER, 1903.

The House having adjourned till Tuesday next, no meeting could be held.

TUESDAY, 20 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Affleck,  
Mr. Ferguson,

Mr. Byrne,  
Mr. Macdonald.

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

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Shand (*Counsel*) on behalf of the Crown.

Joseph Davis recalled and further examined.

Witness withdrew.

[Adjourned till To-morrow, at *Two* o'clock.]

WEDNESDAY, 21 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Affleck,  
Mr. Ferguson,

Mr. Byrne,  
Mr. D. R. Hall.

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

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Shand (*Counsel*) on behalf of the Crown.

Joseph Davis recalled and further examined.

Witness *produced* a sketch or plan of proposed dam at Barren Jack Basin, Murrumbidgee River.

There being no Quorum present, the Acting Chairman adjourned the meeting.

FRIDAY, 23 OCTOBER, 1903.

The House having adjourned till Tuesday next, no meeting could be held.

THURSDAY, 29 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Byrne,

Mr. Ferguson.

Mr. D. R. Hall,

Present:—Mr. Bruce Smith, with Mr. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Shand (*Counsel*) on behalf of the Crown.

Joseph Davis recalled and further examined.

Witness withdrew.

[Adjourned till 6th November next, at *Two* o'clock.]

FRIDAY, 6 NOVEMBER, 1903.

The House having adjourned till Tuesday next, no meeting could be held.

WEDNESDAY, 11 NOVEMBER, 1903.

MEMBERS PRESENT:—

Mr. Briner,

Mr. D. R. Hall.

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

THURSDAY, 12 NOVEMBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Ashton,  
Mr. Ferguson,

Mr. Macdonald,  
Mr. Affleck.

Clerk *read* entry from Votes and Proceedings referring Petition of Walter Alexander Macpherson and others to be represented by counsel before the Committee.

Petition before Committee.

*Resolved (on motion of Mr. Macdonald)*, That the prayer of the Petitioner be granted.

Present:—Mr. Bruce Smith, with Mr. W. K. S. Mackenzie (*Counsel for the Promoters*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*). Mr. Rolin (*Counsel*), instructed by Messrs. Fisher and Macansh (*Solicitors*), appeared for Walter Alexander Macpherson; The English, Scottish, and Australian Bank, Limited, of Sydney; Wilson Ronald, of Nap Nap; The Australian Mortgage, Land, and Finance Company, Limited, of Sydney; William James Campbell, of Newmarket, Hay; Henry Lewis Harben, of Balranald; John Bennett, of Oxley.

Walter Alexander Macpherson, of Paika (*Grazier*), called in, sworn, and examined.

Witness withdrew.

Harry Lewis Harben (*Storekeeper, Balranald*) called in, sworn, and examined.

Witness produced a letter from the Municipal Council of Balranald, appointing him as a delegate to represent the Council at a deputation to the Honorable the Minister in connection with the question of locking the river.

Witness withdrew.

Samuel Lindsay (*Manager of Yanga Station, Balranald*) called in, sworn, and examined.

Witness produced a letter from the Municipal Council of Balranald, appointing him as a delegate to represent the Council, in conjunction with Mr. H. L. Harben, at a deputation to the Honorable the Minister in connection with the question of locking the river.

Witness withdrew.

William James Campbell (*Newmarket, Hay*) called in, sworn, and examined.

Witness withdrew.

Frederick Edmund Vandcleur (*Manager, Canally Station, Balranald*) called in, sworn, and examined.

Witness withdrew.

John Bennett (*Storekeeper, Oxley*) called in, sworn, and examined.

Witness withdrew.

Robert Wilson Ronald (*Grazier, Nap Nap, Hay*) called in, sworn, and examined.

Witness withdrew.

Argyle McCallum (*Farmer and Grazier, Good Hope, Yass*), called in, sworn, and examined.

Witness withdrew.

Joseph Davis recalled and further examined.

Witness withdrew.

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

TUESDAY, 17 NOVEMBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Afleck,  
Mr. D. R. Hall,

Mr. Ashton,  
Mr. Byrne.

Present:—Mr. Bruce Smith with Mr. W. K. S. Mackenzie (*Counsel*), instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Mr. Shand (*Counsel*) on behalf of the Crown.

Mr. Nathan (*Messrs. Westgarth and Nathan, Solicitors*) for the Scottish-Australian Mining Company.

Mr. Bruce Smith addressed the Committee.

Mr. Shand addressed the Committee.

[Adjourned till To-morrow, at Two o'clock.]

WEDNESDAY, 18 NOVEMBER, 1903.

MEMBER PRESENT:—

Mr. Briner.

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

THURSDAY, 19 NOVEMBER, 1903.

MEMBERS PRESENT:—

Mr. Briner in the Chair.

Mr. Byrne,  
Mr. Macdonald,

Mr. Ferguson,  
Mr. D. R. Hall.

Present:—Mr. Bruce Smith with Mr. W. K. S. Mackenzie, instructed by Mr. Mackenzie (*Messrs. Bowman and Mackenzie, Solicitors for the Bill*).

Room cleared.

Preamble considered.

Question, "That this Preamble stand part of the Bill," put and passed.

Parties called in and informed.

Clauses 1, 2, 3, and 4, read, amended, and agreed to.

Clause 5 omitted.

Clause 6 7 read, amended, and agreed to.

Clause 7 8 read and agreed to.

Clause 8 9 read, amended, and agreed to.

Clause 9 10 read, amended, and agreed to.

Clause 10 11 read, amended, and agreed to.

Clause 11 12 read, amended, and agreed to.

Clause 12 13 read and agreed to.

Clause 13 14 read, amended, and agreed to.

Clause 14 15 read and agreed to.

Clause 15 16 read, amended, and agreed to.

Clause 16 17 read and agreed to.

Clause 17 18 read and agreed to.

Clause 18 20 read and agreed to.

Clause 19 22 read and agreed to.

Clause 20 23 read, amended, and agreed to.

Clause 23 26 read and agreed to.

Clause 24 28 read, amended, and agreed to.

Schedules

Schedules One, Two, Three, and Four, read and agreed to.  
 New clause to stand clause 5, read and agreed to.  
 New clause to stand clause 6, read and agreed to.  
 New clause to stand clause 19, read and agreed to.  
 New clause to stand clause 21, read and agreed to.  
 New clause to stand clause 29, read and agreed to.  
 New clause to stand clause 30, read and agreed to.  
 New clause to stand clause 31, read and agreed to.  
 New clause to stand clause 32, read and agreed to.  
 New clause to stand clause 33, read and agreed to.  
 New clause to stand clause 34, read and agreed to.  
 New Schedules to stand as Three, Four, and Five, read and agreed to.  
 Title read, amended, and agreed to.  
 Chairman to report the Bill as amended to the House with an amended Title.

#### SCHEDULE OF AMENDMENTS.

- Page 2, clause 1, line 13. *After* "works" *add* "and divert water"  
 Page 2, clause 1, *to follow* line 19. *Insert* "Part IV.—Miscellaneous"  
 Page 2, clause 2, *to follow* line 24. *Insert* "Extreme drought" means impending shortness of water which, in the opinion of the Minister, renders it necessary to limit, for the time being, the supply to be taken from the reservoir and utilised for the river flow and for the supply of the promoters' canals.  
 Page 2, clause 2, *to follow* line 27. *Insert* "Land" includes land and buildings or other erections thereon"  
 Page 2, clause 2, line 35. *Omit* "thirty" *insert* "eighty"  
 Page 2, clause 2, *to follow* line 39. *Insert* "'The Minister' means the Minister for Public Works for the time being ;  
 'Government' means the Government of New South Wales"  
 Page 2, clause 2, *to follow* line 41. *Insert* "'The Reservoir' means the reservoir formed by the Barren Jack Dam, as described in subsection (3) of section three"  
 Page 3, clause 2, lines 8 and 9. *Omit* "'Works'" means all works constructed under the powers conferred by this Act or used or connected with such works"  
 Page 3, Part II, line 12. *After* "works" *add* "and divert water"  
 Page 3, clause 3, line 20. *After* "canal" *insert* "and three other weirs, together with any necessary subsidiary works, across the Murrumbidgee River, one near Maude, a second near the junction of the Lachlan and Murrumbidgee Rivers, and a third near Balranald, for the purpose of raising the level of the water in the said Murrumbidgee River."  
 Page 3, clause 3, line 21. *Omit* "weir" *insert* "said weirs"  
 Page 3, clause 3, line 22. *Omit* "at the point of off-take"  
 Page 3, clause 3, line 22. *After* "be" *insert* "designed and constructed to the approval of the Minister, and be"  
 Page 3, clause 3, line 38. *Omit* "exceeding" *insert* "less than"  
 Page 3, clause 3, line 38. *Omit* "thirty" *insert* "eighty"  
 Page 4, clause 3, line 7. *After* "Canal" *insert* "except in times of extreme drought, when the Minister may limit the minimum continuous flow in the said river to less than five hundred, but not below four hundred, cubic feet per second"  
 Page 4, clause 3, line 9. *After* "exceeding" *insert* "unless with the permission of the Minister"  
 Page 4, clause 3, line 10. *After* "second" *insert* "except in times of extreme drought, when the Minister may limit the amount to be diverted into the said canal to less than seven hundred and fifty, but not below four hundred cubic feet per second"  
 Page 4, clause 3, line 11. *Add to subsection* "Provided, however, that until a scheme of irrigation for the land on the south side of the said river shall be in operation, the promoter shall be allowed to divert half the supply of the water flowing down the said river from the reservoir; and after such last-mentioned scheme shall be in operation, the promoter shall be entitled to divert one-third of the water allowed to flow as aforesaid; but in any event the promoter shall be entitled to receive and divert not less than four hundred cubic feet per second from the said river."  
 Page 4, clause 4, line 38. *After* "Mountain" *insert* "and the three weirs near Maude, the Lachlan junction, and Balranald, respectively."  
 Page 4, clause 4, line 39. *Omit* "subsection three"  
 Page 4, clause 4, line 40. *Omit* "before the first June, one thousand nine hundred and four," *insert* "until the expiration of nine months after the passing of this Act."  
 Page 4, clause 4, line 41. *Omit* "of New South Wales"  
 Page 4, clause 4, line 42. *Omit* "in Council"  
 Page 4, clause 4, line 42. *After* "notification" *insert* "in the Government Gazette"  
 Page 4, clause 4, line 43. *Omit* "said date in the Government Gazette" *insert* "expiration of such term"  
 Page 4, clause 4, line 43. *Omit* "work" *insert* "several works"  
 Page 4, clause 4, line 45. *After* "commencing" *insert* "the said work"  
 Pages 4 and 5, clause 4, lines 45 and 1. *Omit* "said work during the year one thousand nine hundred and four" *insert* "same within the twelve months succeeding the notification of such determination"  
 Page 5, clause 4, line 2. *Omit* "year" *insert* "twelve months"  
 Page 5, clause 4, line 3. *Omit* "year" *insert* "twelve months"

- Page 5, clause 4, line 4. *Omit "thirty" insert "eighty"*
- Page 5, clause 4, line 5. *Omit "right" insert "power"*
- Page 5, clause 4, line 5. *Omit "same" insert "said dam and the said three weirs"*
- Page 5, clause 4, line 6. *After "shall" insert "on completion of the said dam, or during construction, if, in the opinion of the Minister, sufficient water is available"*
- Page 5, clause 4, line 7. *Omit "formed by such dam"*
- Page 5, clause 4, line 8. *Omit "such" insert "sufficient"*
- Page 5, clause 4, lines 8 to 12. *Omit "as may be required for the system of irrigation by this Act authorised, such supply not to exceed (unless with the permission of the Minister for Public Works) seven hundred and fifty cubic feet per second; and the promoter shall in such case" insert "to admit of the diversions authorised by subsection (4) of section three; and the promoter shall during the continuance of such work"*
- Page 5, clause 4, line 12. *Omit "Minister for Public Works" insert "Government"*
- Page 5, clause 4, line 13. *Omit "for the use of such water from the date of such supply"*
- Page 5, clause 4, lines 14 to 17. *Omit "actual capital expenditure in and about the construction of the said dam to a height of one hundred and thirty feet, such one-third capital sum not to exceed one hundred thousand pounds" insert "total amount of the accumulated expenditure by the Government in and about the construction of the said dam and of the said weirs near Balranald and the Lachlan Junction respectively, and in respect of compensation for land resumed within the reservoir area or injuriously affected by the construction of the said dam, such sums to be calculated to the end of each period aforesaid, and after the completion of the said dam and of the said two weirs the promoter shall pay annually to the Government a sum equal to four per centum on one-third of the aggregate amount paid or payable by the Government on the construction of the said dam and the said two weirs, and in respect of compensation for the purposes hereinbefore mentioned, such one-third of the total expenditure on the construction of the said dam and the said two weirs not to exceed one hundred and sixty thousand pounds."*
- Page 5, clause 4, line 18. *After "Government" insert "after notification of determination under subsection (1) of this section"*
- Page 5, clause 4, line 19. *Omit "work" insert "dam"*
- Page 5, clause 4, line 23. *Omit "and" insert "or"*
- Page 5, clause 4, line 24. *omit "thirty" insert "eighty"*
- Page 5, clause 4, line 24. *After "river" insert "and the three weirs specified in subsection (1) of this section"*
- Page 5, clause 4, line 25. *After "to" insert "begin or"*
- Page 5, clause 4, line 25. *After "continue" insert "and complete as the case may be"*
- Page 5, clause 4, line 25. *Omit "work" insert "several works"*
- Page 5, clause 4, line 25. *After "works" insert "according to the design and to the satisfaction of the Minister, but so that the total sum expended in the construction of the said dam and weirs shall not exceed five hundred thousand pounds"*
- Page 5, clause 4, line 26. *After "the" omit "said work of so"*
- Page 5, clause 4, line 26. *Omit "and" insert "or"*
- Page 5, clause 4, line 27. *After "completing" insert "as the case may be of"*
- Page 5, clause 4, line 27. *After "dam" insert "and the said three weirs"*
- Page 5, clause 4, line 27. *After "case" insert "any work done in or about"*
- Page 5, clause 4, line 28. *After "dam" insert "and the said weirs and all lands resumed for the reservoir area"*
- Page 5, clause 4, line 29. *After "promoter" insert "subject to section thirty-three"*
- Page 5, clause 4, lines 29 to 31. *Omit "until the Governor in Council shall exercise the power to take over the said dam conferred by section five of this Act"*
- Page 5, clause 4, line 31. *Omit "take" insert "receive"*
- Page 5, clause 4, line 32. *Omit "formed by such dam"*
- Page 5, clause 4, line 33. *Omit "such" insert "sufficient"*
- Page 5, clause 4, line 33. *After "water" insert "to admit of the diversions authorised by subsection (4) of section three"*
- Page 5, clause 4, line 33. *Omit "as may be required for the system of irrigation by"*
- Page 5, clause 4, line 34. *Omit "this Act authorised"*
- Page 5, clause 4, line 34. *After "without" insert "further payments of interest, as provided in the preceding subsection"*
- Page 5, clause 4, lines 34, 35, 36. *Omit "payment of the before-mentioned sum of four per centum on portion of the capital cost of the said work or of any sum whatever"*
- Page 5, clause 4. *Add to subsection (3):—"Provided that in the event of the Government failing to commence, or after commencing failing to continue, the said dam as provided in subsection (2) of this section, the promoter shall, after commencing or continuing the same, as the case may be, be entitled to receive from the Government, and the Government shall pay to the promoter as the work proceeds, an annual sum equivalent to four per centum per annum on the total expenditure on the weir near Maude, and on two-thirds of the total amount expended in the construction of the said dam and the said two weirs near the Lachlan Junction and Balranald respectively, and in respect of compensation for land resumed or injuriously affected by the execution of the said work; and after the completion of the said dam and the said weirs by the promoter, the Government shall until resumption pay annually to the promoter a sum equivalent to four per centum on the total expenditure on the weir near Maude and on two-thirds of the aggregate amount expended on the several other works and purposes herein mentioned, the two-thirds of the total expenditure on the construction of the said dam and the said two weirs shall not exceed three hundred and thirty thousand pounds."*

Page 5, clause 4, line 38. *After* "promoter" *insert* "the promoter shall be liable to pay to the Government a sum equal to the amount expended by the Government in the construction of the said dam and the said two weirs near the junction of the Lachlan and Balranald respectively, and in respect of compensation paid or payable for land resumed within the reservoir area or injuriously affected by the execution of the said several works up to the time when the said work shall be so taken over by the promoter as aforesaid, and the sum to be paid by the promoter to the Government shall be settled by arbitration under a reference hereby taken to be made under the Arbitration Act, 1902."

Pages 5-6, clause 4, line 38. *After* "promoter" *omit* "all questions relating to the value of the work done and of the materials supplied for the said work shall be settled by arbitration between the promoter and the said Government under a reference hereby taken to be made under the Arbitration Act, 1902; and such arbitration shall be on the basis that the promoter, on taking over the said work of construction with a view of completing the same to a height of one hundred and thirty feet, shall pay to the Government in regard to the work already done only the value of that portion which would have been necessary if the said dam had been begun on a scale suitable for a total height of one hundred and thirty feet."

Page 6, clause 5, 4, line 4. *After* "dam" *insert* "and the said three weirs in this section hereinbefore mentioned"

Page 6, clause 5, 4, line 5. *After* "promoter" *insert* "by reason of the failure of the Government to notify its determination to undertake such works"

Page 6, clause 5, 4, line 5. *Omit* "it" *insert* "such works"

Page 6, clause 5, 4, line 5. *After* "designed" *insert* "and completed to the satisfaction"

Page 6, clause 5, 4, line 5. *Omit* "to the approval"

Page 6, clause 5, 4, line 5. *After* "Minister" *omit* remainder of clause, *insert* "And in such case the promoter shall be entitled to receive from the Government, and the Government shall pay to the promoter, as the work proceeds, annual payments equivalent to four per centum interest per annum on the total expenditure on the weir near Maude, and on two-thirds of the total expenditure on the several works and other purposes in subsection (3) of this section set forth; and after completion of the said dam and weirs by the promoter, the Government shall pay annually to the promoter, until resumption by the Government, a sum equal to four per centum per annum on the total expenditure on the weir near Maude, and on two-thirds on the aggregate expenditure on the several works and other purposes above mentioned, the two-thirds of the total expenditure on the said dam and the said two weirs not to exceed three hundred and thirty thousand pounds."

Page 6. *Insert* the following new clause, to stand as clause 5:—

5. In the event of the promoter undertaking the construction of the said dam and of the three weirs in the preceding section mentioned, by reason of the failure of the Government either to begin the construction of the same, or, after beginning, to continue the same, the promoter shall, in the former case, commence the said work within six months from the last day of the period named in subsection (1) of section four, or, in the last-mentioned case, within six months of the last day upon which any work shall have been done, or the same shall have been handed over (whichever is of later date) by the Government to the promoter; and the promoter shall, after beginning or taking over the said work, as the case may be, continue the same at the rate of progress imposed on the Government by subsection (2) of section four.

Page 6. *Insert* new clause, to stand as clause 6:—

6. It shall be within the powers of the Governor at any time subsequent to the construction of the said dam and the said three weirs in section four mentioned by the promoter, after notification in the *Government Gazette*, to resume the said dam and the said three weirs and the whole of the land acquired by the promoter within the reservoir area, and all other works by him constructed within such area, on payment to the promoter of a sum for compensation, to be ascertained by arbitration under a reference hereby taken to be made under the Arbitration Act, 1902, equal to the aggregate amount expended or payable by him and expended by the Government and repaid or due to the Government by him, in and about the work so resumed under this section, and in respect of compensation for land resumed within the reservoir area, or injuriously affected by the execution of the said several works; and in estimating such compensation to be paid to the promoter, the arbitrator or arbitrators may include all forms of expenditure which have been directly or indirectly and properly incurred in the execution of the said several works to completion, in accordance with the designs approved by the Minister, and in connection with the settlement of claims for land resumed within the reservoir area, or injuriously affected by the execution of the said several works. Provided that the promoter shall be entitled to be supplied from the reservoir through the Murrumbidgee River with sufficient water to admit of the diversions authorised by subsection (4) of section three; and the promoter shall, in such case, make an annual payment to the Government from the date of the payment to the promoter of such compensation of a sum equal to four per centum on one-third of the total amount of the same awarded to the promoter, as hereinbefore provided.

Page 6, clause 6, 7, line 32. *Omit* "following"

Page 6, clause 6, 7, line 32. *After* "provisions" *insert* "of this Act"

Page 6, clause 6, 7, line 40. *After* "shall" *insert* "by notice in writing"

Page 7, clause 6, 7, line 7. At end of clause *add* "In the event of the promoter and the owner of any land proposed to be taken failing to agree in regard to the amount of compensation to which the latter is entitled, the promoter shall within thirty days after the receipt of such answer, or, in default of such answer, within thirty days after the expiration of the period of ninety days aforesaid, notify such owner of the amount he is willing to pay as compensation therefor."

Page 7, clause 7, 8, line 17. *Omit* "eight" *insert* "nine"

Page 7, clause 8, 9, line 23. *Omit* "for Public Works for the time being"

Page 8, clause 8, 9, lines 2 and 3. *Omit* "and the costs shall be regulated"

Page 8, clause 9, 10, line 6. *Omit* "equal to or"

Page 8, clause 9, 10, line 6. *Omit* "claimed" *insert* "offered by the promoter"

Page 8, clause 9, 10, line 9. *After* "a" *insert* "sum equal to or"

Page

Time limit on promoter on failure of Government to begin and continue work.

Power of Government to resume dam and three weirs.

- Page 8, clause 9, 10, line 9. *Omit* "sum"
- Page 8, clause 9, 10, line 9. *Omit* "that claimed" *insert* "the amount offered by"
- Page 8, clause 9, 10, line 9. *After* "promoter" *insert* "the promoter"
- Page 8, clause 9, 10, line 11. *After* "the" (first occurring) *insert* "amount of"
- Page 8, clause 10, 11, line 23. *Omit* "twelve" *insert* "thirteen"
- Page 8, clause 10, 11, line 27. *Omit* "; and" *insert* " ,"
- Page 8, clause 10, 11, line 30. *After* "lands" *omit* " , provided" *insert* " ; Provided"
- Page 8, clause 10, 11, line 31. *Omit* "shall be entitled to" *insert* "may, in any case, if he think fit, demand"
- Page 8, clause 10, 11. At end of clause *add* "as a condition of the handing over of the compensation to the persons entitled thereto."
- Page 8, clause 11, 12, line 34. *Omit* "they" *insert* "such person"
- Page 8, clause 11, 12, line 35. *After* "as" *insert* "an"
- Page 8, clause 11, 12, line 35. *Omit* "owners" *insert* "owner"
- Page 8, clause 11, 12, line 35. *Omit* "eight" *insert* "nine"
- Page 9, clause 13, 14, line 16. At end of clause *add* "who shall be empowered to determine how much of such land is required for the purposes aforesaid"
- Page 9, clause 15, 16, line 28. *After* "all" *insert* "canal"
- Page 9, clause 15, 16, line 28. *After* "down" *insert* "by him"
- Page 10. *Insert* new clause, to follow clause 17, 18:—
19. Nothing in this Act shall entitle the promoter to create or grant, on the sale of any land affected by the system of irrigation by this Act authorised, water rights to attach thereto: Provided, however, that this restriction shall not be construed to interfere with the power of the promoter, conferred under Section eighteen, to assign the rights acquired under this Act or to contract with land-owners for a supply of water for a term of years.
- Page 11. *Insert* new clause, to follow clause 18 20:—
21. So soon as the promoter is ready to supply water to any of the land adjoining the main canal, or any of the subsidiary canals, he shall distribute such supply without preference, to the extent to which water is available, to all applicants adjoining such canals and in accordance with the regulations made under this Act.
- Page 11, clause 20 23, lines 14 to 17. *Omit* "Whenever any person or persons employed by the promoter in pursuance of this Act shall, while in the execution of his duties, cause injury to lands, fences, buildings, outhouses or other property, or shall cause loss or damage to any owner of land or other property," *insert* "Whenever any injury, loss, or damage shall be occasioned to any person or persons by or in consequence of the execution of any of the works by this Act authorised, or by any person employed by the promoter in pursuance of this Act whilst in the execution of his duty."
- Page 11, clause 20 23, line 19. *After* "compensated" *insert* "therefor"
- Page 11, clause 20 23. At end of clause *add* "In the event of the promoter and the person or persons so claiming to be injuriously affected as aforesaid failing to agree in regard to the amount of compensation to which the latter is or are entitled, the promoter shall, within thirty days after notice of such claim, notify in writing to such person or persons the amount which he is willing to pay as compensation therefor. And failing such notification as aforesaid, the promoter shall be taken to have agreed to the amount of compensation claimed as aforesaid on proof such notice had been duly delivered to the promoter."
- Page 11, clause 21 24, line 31. *After* "fifteen" *insert* "(except section one hundred and eleven)"
- Page 12. *Insert* new clause, to follow clause 23 26:—
27. Whenever any channel or aqueduct, constructed by the Public Works Department or by any person under the provisions of the Water Rights Act, 1902, shall be disturbed or otherwise affected by any of the works by this Act authorised, the carrying out of such last-mentioned work shall, so far as it affects or disturbs such channel or aqueduct, be carried out to the approval of the Minister.
- Page 12, clause 24 28, line 10. *After* "shall" *insert* "within twelve months after the passing of this Act"
- Page 12, clause 24 28, line 12. *After* "until" *omit* remainder of clause, *insert* "the completion of the whole of the works, authorised by this Act, to the satisfaction of the Minister, on completion of the works, authorised by this Act, to the satisfaction of the Minister, such deposit shall be refunded to the promoter"
- Page 12. *After* clause 28 *insert* new clauses, to stand as clauses 29 to 34 inclusive:—
29. Should default be made by the promoter in making the deposit, as in the preceding section required, or in commencing the work on the said canal or on the said dam and weirs within six months after the limit of time by this Act prescribed for such commencement respectively, the rights of the promoter by this Act conferred shall be null and void. Should default be made by the promoter in continuing any of the works by this Act authorised at the rate of progress prescribed by this Act the Minister shall, subject to arbitration as to whether such default has taken place, and as to the amount of the penalty to be imposed, impose such penalty upon the promoter in respect of any such default of a sum not exceeding the amount of the expenditure in which the promoter is in default. Should the promoter fail to perform any other obligation by this Act imposed upon him, the Minister shall, subject to arbitration as to whether such default has been made, and as to the amount of the penalty to be imposed, impose such penalty on the promoter in respect of each such default. All penalties imposed and payable under the authority of this Act shall be paid by the promoter to the Colonial Treasurer, and shall be appropriated to the Consolidated Revenue. Should any penalty as aforesaid remain unpaid by the promoter for a period of six months after becoming payable, the Minister shall be entitled to sign judgment for the amount of such penalty in the Supreme Court; and in the event of such judgment not being satisfied within one month from the date thereof, the Minister shall be entitled to take possession of the promoter's property and exercise all rights vested in the promoter: Provided, however, that time shall not be considered to run in regard to the above provisions where the non-commencement or non-continuance of the work is necessitated by strikes or other unavoidable causes.

Restrictions as to water rights.

Restriction on preference.

Interference with channels or aqueducts.

Default by promoter.



## PART IV.—MISCELLANEOUS.

30. The work of maintaining the dam and two weirs near the Lachlan Junction and Balranald respectively shall be carried out by the promoter to the satisfaction of the Minister, and until the said works shall be taken over by the Government; and the cost of such maintenance shall be borne by the promoter and the Government in the proportions of one-third part and two-third parts respectively, as in the case of the capital cost of construction. Maintenance of river works.

31. During and after the construction of the said dam, it shall be lawful for the Minister to grant permits to members of the public to water stock at the reservoir, and to take water therefrom for domestic purposes. Use of reservoir area.

32. In the event of the Government proceeding with the work of constructing the dam in accordance with the provisions of section four, it shall be incumbent on the promoter to proceed with the construction of the canal within fifteen months after the passing of this Act, and to continue the same at the like rate of progress, namely, by expending the sum of fifty thousands pounds per annum upon the work, after the same has been begun; but in the event of the Government failing to begin or to continue the work of the said dam so as to require the promoter to begin or continue the said work in accordance with section five, and at the like rate of progress to that required from the Government, then the promoter shall only be required to carry out the work of constructing the canal and subsidiary works at the rate of progress represented by the expenditure thereon of twenty-five thousand pounds per annum from the commencement thereof after the passing of this Act. And in the event of the promoter failing to comply with any of the above provisions, he shall forfeit to the said Government, and the Colonial Treasurer shall be empowered to pay into the Consolidated Revenue Fund, a sum of ten thousand pounds (out of the deposit made under section 24 28) for every three months during which such work is delayed. Progress of work upon canal.

33. The control of the flow of water from the reservoir, of the several weirs on the Murrumbidgee River, and of the regulating gates of the promoter's canal at the point of off-take, shall at all times be vested in the Minister. Government control of river works.

34. In the event of any difference or differences arising out of the provisions of this Act between the promoter and the Government, such difference or differences shall be submitted to arbitration as they arise according to the provisions of the Arbitration Act, 1902. Arbitration.

Page 13. *Insert* new Schedules Three, Four, and Five to follow Schedule Two:—

## Schedule Three.

The site of the proposed weir, near Maude, is about four miles down stream from the head of Gum Creek, on the Murrumbidgee River.

## Schedule Four.

The site of the proposed weir, near the Lachlan Junction, is about thirty-four miles below the junction of the Murrumbidgee with the Lachlan River, on the Murrumbidgee River.

## Schedule Five.

The site of the proposed weir, near Balranald, is about nine miles below the town of Balranald, on the Murrumbidgee River.

Page 1, Title, line 8. *Omit* "a weir" *insert* "weirs."

## LIST OF WITNESSES.

	PAGE.
Bennett, J. ....	106
Campbell, William J. ....	104
Davis, Joseph ....	57, 81, 89, 91, 109
Gibson, Robert ....	1, 9, 14
Harben, Harry L. ....	102
Lakeman, Allen ....	31
Lindsay, Samuel ....	104
Macpherson, W. A. ....	97
McCallum, Argyle ....	107
McKinney, Hugh G. ....	19, 21, 28, 38, 49
Nixon, Samuel ....	43
Preedy, Walter ....	33
Ronald, Robert W. ....	106
Rutledge, Michael ....	18
Sides, George ....	35
Vandeleur, Frederick E. ....	105
Wade, Leslie A. B. ....	49, 51, 53, 67, 74



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

APPOINTED TO INQUIRE INTO THE

MURRUMBIDGEE NORTHERN WATER SUPPLY AND  
IRRIGATION BILL.

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THURSDAY, 24 SEPTEMBER, 1903.

Present:—

MR. ASHTON,		MR. BRINER,
MR. BYRNE,		MR. D. R. HALL,
	MR. H. MACDONALD.	

G. S. BRINER, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared in support of the Bill.

Robert Gibson, sworn and examined:—

1. *Mr. Bruce Smith.*] Are you a resident of Hay? Yes; I have lived there and in the district for twenty-eight years.
2. During that time have you had any practical experience on the land? Yes; twenty-eight years ago my father and his whole family, of which I was the eldest son, selected within 45 miles of Hay. I lived on the land we selected for thirteen years.
3. During that time had you practical experience in dealing with the land as a farmer and grazier? Yes.
4. Was that selected land? Yes.
5. Twenty-eight years ago was the land in the district in an unsettled condition? Yes; we were about the first selectors in that district. There were five brothers besides myself.
6. Have they all been settled there ever since? Yes; my father and three brothers are settled there.
7. Practically your whole family have been in that district for twenty-eight years? Yes; we at present hold the land which we selected then. At the end of thirteen years I went into Hay and started as a land and stock agent. I have been engaged in that business for the past fifteen years.
8. Has that occupation brought you into close touch with the landowners and others in the district? Yes, most intimately in dealing with their stock and selling and buying land and in dealing with the Crown Lands Act.
9. Do your father and brothers hold a great deal of land there now? Yes, over 30,000 acres of conditional purchase and conditional lease.
10. In how many separate homesteads? Four separate holdings.
11. Do you hold any land in the district at present? Yes; in the Hay district I am working over 35,000 acres; about half of that is Crown land and the rest is conditional purchase and conditional lease.
12. Is that within the area that would be benefited by this irrigation scheme? I am working about 20,000 acres which will be within the area of the irrigation scheme; 6,000 acres are conditional purchase and conditional lease, the rest are Crown lands.
13. During your residence in Hay have you occupied any public positions which brought you into touch with the residents of the district? Yes, for about twelve years I have been an alderman. I have been Mayor three times, and I am Mayor at present.

Witness—R. Gibson, 24 Sept., 1903.

14. Have you been President of the Hay Irrigation Trust? I have been a member of the Trust since it was formed, about ten years ago. I have been president for about twelve months. I was acting president for about two years previously.
15. Has that given you any practical experience of irrigation? I have at present an irrigation farm of 43 acres, as a lessee from the Trust.
16. Are you a member of the committee of the Hay Pastoral Society? Yes.
17. Does that bring you into touch with the landowners of the district? Yes. I have been a member of that society for about fourteen years.
18. Have you been elected to any representative position by the settlers in that district? I have represented them at rabbit conferences. I have represented the Hay branch of the Farmers' and Settlers' Association at the annual conference. I represented them at the Narrandera Conference in August last.
19. Have you held other public positions? Yes.
20. Are you a lessee under the Irrigation Trust? Yes; I took up land there when it was thrown open.
21. What is the total acreage under that Trust? The area is about 4,400 acres, and about 900 acres are taken up; about 800 acres are under cultivation.
22. Have you a small area on which you have been experimenting? Yes; I have 35 acres which I am working, and I have 30 acres more, which I am also working.
23. Is the whole of that irrigation carried out by pumping? Yes.
24. When did you first take an interest in irrigation in this district? About six years ago I drove Mr. McKinney from Hillston to Gunbar. He was then a Government officer. I took him through the back country, to show him the farms. I then pointed out to him the possibilities of the district if we could get water.
25. From that time up to the present have you maintained your interest in the question, and is the proposal which you are now making a realisation of your idea as to what could be done in that district? Yes.
26. Have you personally, as a grazier, witnessed the bad results of the want of rainfall or artificial water in that district? Yes; in connection with my business as stock agent I have been financing as far as I thought it safe to go, and I have a very good idea of the financial position of a lot of the small settlers.
27. Did you suffer in the 1883 drought? Yes. We were caught in the droughts of 1876-1877, and lost more than half our sheep. We managed to pull through the drought of 1883 and 1884 very fairly, but there were heavy losses in the district. The last drought practically commenced in 1895, and it cannot be said to be yet broken in our district.
28. What effect has that had upon your district? The present drought has resulted in almost a complete wipe-out of stock in the district in the case of large and small holders.
29. What is the normal average carrying capacity of the land in that district? It has decreased about 25 per cent. during the last twenty years.
30. What would you call the normal average? The average of the Hay district is about 5 acres to a sheep. At present it is from 18 to 20 acres to a sheep; but, of course, there is a drought at present.
31. Is it now in a worse condition than you have ever known it? Yes.
32. What is the state of affairs with regard to crops in the district during the last few years? In one part of the district where we are going to take a main canal—that is, the Gunbar district—cultivation was entered upon very largely about fifteen years ago, and a number of men put in from 800 to 1,000 acres each, one man going up to 2,000 acres.
33. What was the result? Very fair; cultivation paid until the last three years. 1900 was a good season for grass in that district, and also for hay crops, but owing to the year being very dry when wheat was maturing the average was only about 6 or 7 bushels for the early sown, and the late crops were failures. In 1901 and 1902 the crops were complete failures with slight exceptions. This year there is just a possibility that the rains that have fallen during the last three weeks may give fair crops, but the crops were dying three weeks ago.
34. I understand you gave some information with regard to the crops in that district before the Murray River Commission? Yes; with regard to settlement generally.
35. Will you repeat the remarks which you then made as being applicable to this inquiry? When I was before the Royal Commission I said that since 1885, when the area of land for selection was extended to 2,560 acres, 500,000 acres were selected by 216 holders on ten runs. Five years ago, in 1897, only seventy out of the 216 remained on the land, or were in possession of their holdings. Of those seventy, eleven held less than 5,000 acres each, 203,000 acres out of the total area selected were bought by the stations on which the selections were situated, and the remainder had been absorbed by smaller settlers. During the last three or four years there have been very few selections in that district owing to the drought. I think that if there is to be any small settlement in this district to be successful irrigation must be worked in connection with farming and grazing. The smallest area that a man can do with without irrigation is, in my opinion, from 10,000 to 15,000 acres. That evidence applies equally now.
36. What is the financial condition of the residents generally? This drought started in 1895, and in 1900 we had very good March and April rains, giving one of the best years for grass that I have seen. In our district we thought that the drought had broken up, and men were induced to purchase stock at high prices. Everyone who could do so financed through the banks or financial agents. There has been a complete collapse in the district. Most of the stock then bought have actually died, and great expense has been incurred by the owners in renting country and buying food and travelling the sheep. At present the stock returns show that there were only 229,000 sheep in the Hay district on the 31st December last.
37. Can you compare that with the previous year? In the previous year there were 1,138,972 sheep in the district, so that, roughly, there are only one-fifth left. I may say that the number of sheep returned are believed to be more than the actual number in existence, as the owners took the shearing tallies to a large extent.
38. Is that all you wish to say about the financial condition of the residents? Nine out of ten of the small holders are in the hands of banks or financial institutions.
39. Are they anxious to sell their land? Yes.
40. Have you a large part of the land in the district in your hands for sale? Yes, small properties.
41. Is this district merely on a par with other parts of New South Wales? We are on a par with the far west.

42. In the Hay district, do you think there are any other places in the same condition? I think the Hillston and Mossgiel districts are actually worse. I do not think there are 50,000 sheep in either Hillston or Mossgiel districts at present.
43. Has agriculture during the last three years been a failure? Yes.
44. Are any steps being now taken to continue agriculture? Crops were put in this year. A good many of the settlers managed to get wheat from the Government, otherwise very little would have been put in.
45. Have you been Chairman of the Lord Mayor's Fund for the Drought Relief? Yes, local chairman.
46. Has that given you an opportunity of judging as to the condition of the labour market in the district? Yes; between the Lord Mayor's Fund and the relief money which the Government granted for road works a large number of working men have been practically maintained for the last five months.
47. Will you tell the Committee when your attention was first attracted to the Barren Jack Mountain site as a suitable one for damming the Murrumbidgee? In 1900 I advocated the construction of the Barren Jack reservoir. When the Yanco Creek Commission sat I was appointed to represent the district with another. I went to Narrandera and Jerilderie to watch the interests of the Hay district before that Commission. I then advocated the construction of the Barren Jack reservoir.
48. Do you know that Colonel Home recommended the adoption of the scheme as far back as 1896? Yes.
49. How does the population of that district compare with what it was a few years ago? The population has been gradually getting less.
50. What is the nature of the country which is proposed to be irrigated by this scheme? It is chiefly open timber country. The extreme western part near Hay consists of open level treeless plains. The soil on the timber country is chocolate loam, which is very suitable for agriculture.
51. According to your opinion and experience, is it of any great value without some means of watering it? It is not of great value; that is shown by the large area of abandoned country held by the Crown to the north of our proposed channels.
52. How much is abandoned? According to information which I got from the District Survey Office in Hay a month ago, there are, in the Hillston district, 620,000 acres of abandoned country that is under no tenure.
53. Is that land which has been occupied and abandoned? It is land which was fenced in, watered, and worked for years, and now it is lying abandoned. Some of it was offered in improvement leases and occupation licenses. There are 250,000 acres of that country which will be in the vicinity of one of our channels. That is on Cowl Cowl Run.
54. In which direction is it proposed to run those channels? We propose to put a weir across the Murrumbidgee River, within 3 miles of the town of Narrandera. We propose to make one large channel there which will go out north-easterly; the direction is described in the schedules to the Bill.
55. What is it estimated that the canals will cost? About £200,000 for the weirs and the canals.
56. With regard to the river, what was its condition during the last year? It was at its lowest last March or April.
57. How many steamers came there this year? It has been a navigable river this year. Last year only one steamer came, and it got stuck 2 miles from the town, and they had to cart the goods. In March last the river was 2 ft. 7½ in. below summer level. The flow past Hay bridge was at the rate of 19 or 20 cubic feet of water per second.
58. *Mr. Ashton.*] During what period was it in that condition? In 1902 the highest level was in December, that was 4 ft., and the lowest was in March, when it was 1 ft. 8 in. There were heavy rains in December. I think they were local rains which caused the rise of 4 ft. With that exception, there was a low river for over twelve months.
59. *Mr. Bruce Smith.*] How long did that condition of things last, giving a flow of 19 cubic feet per second? For two or three weeks. I know the Municipal Council and the Irrigation Trust held a conference as to whether a large dam should be put up across the river to keep the town and Irrigation Trust supplied. It was decided that each party should put up a dam if necessary.
60. Had something to be done to supply the town of Hay with water? Yes. For three years, commencing five years ago, the Municipal Council had to dam the river annually to throw the water into their pumps, and supply the town with drinking water. That was done for three years in succession. Then they made a trough which was carried down a lagoon into a pump, that obviated the necessity of having a dam. Without that expense we would have had no water in the town for the last five years during part of the summer of each year.
61. Where did you get that measurement of 19 cubic feet per second? From the Government engineer at Hay, Mr. Mitchell.
62. What is the navigation level of the river? About 4 feet 6 inches.
63. Have there been any irrigation experiments in that district? Yes, Mr. McCaughey is irrigating land. He put in another 500 acres last year.
64. What were the results? They were very successful. He estimates that he can carry twenty sheep to the acre in his lucerne paddocks.
65. Do you know of one particular experiment on 20 acres? Yes, he told me that on 20 acres of sorghum he carried 4,400 sheep for six weeks. That was an irrigated crop. You can get three crops of sorghum in a season. You can cut it three times or feed it off three times.
66. Could that six weeks' maintenance of 4,400 sheep on a 20-acre paddock be repeated? No, because that was the best crop. The two other crops might be equal to that together.
67. Are there any other properties being irrigated? Yes, Messrs. W. & J. Waugh's Gogeldrie station, Mr. W. H. Watt's Howlong station, Mr. C. Mills' Uardry station, the Illiliwa Proprietary station, Mr. F. Wentworth's Burrabogie station. They are all irrigating by pumps.
68. To your personal knowledge have the results been good? Yes.
69. Have they continued those operations? Yes, they are increasing their areas.
70. Do they do that under license? Yes, under the Water Rights Act.
71. When the flow of the river is low has the Minister power to stop them? Yes, when the river is 1 foot below the summer level at the Hay gauge.
72. Has it been as low as that? Yes, it has been 18 inches below that minimum. The Hay Municipal Council were approached by a landowner further down the river to ask the Minister to stop the pumping, but the Council would not agree to that.

Witness—R. Gibson, 24 Sept., 1903.

73. What acreage are these proprietors irrigating in the aggregate? About 1,000 acres.
74. Then Mr. McCaughey is cultivating about as much as the whole of them put together? Yes; he is breaking up a great deal of additional land.
75. Has the Hay Irrigation Trust been a great success? It has been neither a success nor a failure. It is on its trial. They are paying their way financially, with the exception that they have not been able to repay the Government interest.
76. To what do you attribute that moderate success? It is an experiment, and, at the time that it was launched, the Mildura Irrigation colony had collapsed. That shook the confidence of people in irrigation, and the men who took up the land on the irrigation area were all local settlers. Some people, like myself, took up the land to help the thing along; others took it up with a view of making homes, and they had very little capital. Then the pumping has been intermittent. Something happens to the pumps when men want the water. The land is of inferior quality, being of a clayey nature. It is about fifth-rate land, as compared with the country which we wish to treat.
77. Does the blue marking on the plan which you produce represent the irrigation area available at Hay? Yes; there is a total of 4,400 acres, and about 900 acres have been actually taken up. The rest is let on grazing licenses.
78. Do you attribute the want of success to the fact that the water has to be pumped, that the land is inferior, and that the collapse of the Mildura colony created a want of confidence in the townspeople, who were likely to take part in it? Yes.
79. You have tried 30 acres; has that been successful? I am getting it up to the successful point.
80. Do you consider it has repaid you? No, because I had to keep a man on it; but I am satisfied with what the land can do.
81. Do you estimate that this land would maintain ten sheep to the acre if the land were irrigated? The land which we propose to serve would on an average carry ten sheep to the acre under lucerne. Now it requires 5 acres to a sheep.
82. Is that opinion based on your own practical experience as a grazier? Yes.
83. Does this map which is attached to the report of the Inter-state Royal Commission on the river Murray generally outline the position of your proposed scheme among a number of others? Yes, only that we intend to keep as far north as the levels of the country will allow.
84. *Mr. Ashton.*] Is it practically an adaptation of Mr. McKinney's northern scheme? Yes.
85. *Mr. Bruce Smith.*] When did he propose it? It was approved of by Colonel Home.
86. Was he an engineer from India who came here and made a number of observations for the Public Works Department? Yes.
87. *Mr. Ashton.*] Was it proposed by Mr. McKinney when he was a Government officer? Yes.
88. *Mr. Bruce Smith.*] What area would this scheme serve so as to actually water every acre of it? We estimate that if we are allowed to get the 750 cubic feet of water per sec which we ask for, that we will be able to water 430,000 acres—that is, to water every acre to a depth of 12 inches in the year.
89. Have you formed the opinion that a man would only want to water about one-fifth of his holding on an average, and if, that were sufficient, the supply which you ask for would practically water five times as much as the area which you have mentioned? It would practically water all the country that can be served by gravitation; that is, on an average.
90. If you get 750 cubic feet per sec., what allowance do you make for loss by evaporation, &c.? We allow one-fifth for waste.
91. So that 600 cubic feet of water per second after allowing for loss, would water the acreage you mention? Yes.
92. With regard to practical experience in that district where men have an opportunity of getting what water they want, what depth of water to the acre is generally found sufficient? On the Hay irrigation area we charge them for 10 inches. They have to pay for 10 inches of water if they take it or not.
93. Why has that quantity been fixed? We charge 10s. an acre water rate, and give them 10 inches of water. After that we charge 1s. an inch; they can have more if they like.
94. Has practical experience shown that men do not take more than 10 inches of water? About 12 inches is the average.
95. Is that why you are taking 12 inches in calculating the area that this water would supply? Yes.
96. Why has 24 inches been put in the document produced with regard to the Hay Irrigation Area? That is a statement in the prospectus, and you can make a prospectus as glowing as you like. I had nothing to do with that prospectus, although I was a member of the Trust. Some of them do take up to 24 inches for all that.
97. Does the Inter-state Commission make some observations with regard to the waste flow of the Murrumbidgee River? Yes.
98. There is a passage in the report stating that two-sevenths of the waste flow of the Murrumbidgee would irrigate 2,203,856 acres of wheat, oats, or barley to the depth of  $4\frac{1}{2}$  inches, which would, judging from Mr. McCaughey's experience, give a return of 40 bushels of wheat or 60 bushels of oats to the acre, worth, say, 2s. for the former and 1s. 4d. for the latter, or a gross return of £8,815,424 in either instance. The water would make a certainty of this return, whereas for the last five years the crops from Narrandera to Balranald have been almost total failures;—do you adopt that passage from this report? Yes.
99. Something has been said about the lands below Hay which benefit by the flooding of the river at certain times of the year;—what effect would the drawing off of water have upon those lands? I have 12,000 acres on the Lower Murrumbidgee, half of which is flooded country. When the river is 18 feet at Hay my country is flooded, but there is other low-lying country which the water gets over when the river rises to 16 feet at Hay.
100. Is the navigation level 4 feet 6 inches? Yes.
101. Is 6 feet of any more service than 4 feet 6 inches? No.
102. Then 18 feet is the flood-level? Yes.
103. Does anyone benefit by a rise between 4 feet 6 inches and 18 feet? Between 4 feet 6 inches and 16 feet the water runs to waste.
104. Does the water run to waste after you get past the navigation level and before you reach the flood-level? Yes.
105. When it reaches flood-level is there a large area of land down stream which benefits by the overflow? Yes.

106. What do you say about the contention that if you take off water above Hay you make the flooding of these lands less probable? There is a possibility of that, but by the construction of a weir across the Murrumbidgee below Hay, to throw the water over this flooded country, you would meet that difficulty.
107. Is the river very wide at that point? Yes.
108. Would it be an easy matter to accomplish? Yes; the site is supposed to have been chosen, and the Department promised to construct a weir.
109. Was that scheme actually proposed some years ago? The Department last year practically promised to give us a weir on condition that we withdrew our opposition to the widening of Yanco Creek. Yanco Creek was opened, but we did not get the weir.
110. What was that estimated to cost? From £20,000 to £30,000.
111. If that weir were carried out, would this objection hold good as to the loss of flooding over 16 feet? There might be some country which one weir would not serve, but one weir would cover most of it.
112. Would the difficulty be met by the fulfilment of the promise which was made? Yes.
113. Is there actually a plan in the Public Works Department of this proposed weir below Hay? Yes.
114. Have any public meetings been held in the district in support or opposition to this scheme? Yes; meetings have been held in every local centre in support of this scheme. The farmers and settlers convened meetings at Whitton, Hay, and Gunbar. There was a public meeting at Gunbar, and a meeting of the working men there, and there was a meeting of land owners and residents at Mount Ida, and at Jondaryn, north of Whitton. A public meeting was held at Carrathool. Resolutions were unanimously carried at each of those places approving of the scheme.
115. Have there been any meetings in any part of the district opposing the scheme? Not in our district. At Balranald a meeting was held opposing a scheme of Mr. McCaughey's, but not this scheme.
116. Have you any personal desire to construct this dam at Barren Jack if the Government will do it? Not at all.
117. Is it your only object in wishing the dam to be constructed there that you may conserve water to use in the canals? Yes; the scheme is of no use unless people have the knowledge that water will be given to them when they want it. Without that you cannot induce settlement in that country.
118. Would you take any part in the scheme of constructing these canals, or would you recommend any one to do so unless you were perfectly satisfied that there was going to be a conservation of water which would guarantee a supply for the canals? I would have nothing to do with it. I would be the means of bringing about, eventually, a financial disaster which would ruin thousands.
119. Without a dam, do you think it would be possible to construct the canals? It would be so risky that I would not touch it. I do not want to construct the dam if the Government will do so, but I want to have it constructed.
120. If you did not introduce into your Bill a power to construct the dam yourself, do you consider there would be no guarantee that it would be done, and you would not begin your canals? That is the case.
121. So you propose in your Bill to take power to construct a dam, leaving it open to the Government to take it in hand and build it up to a certain height at a rate of expenditure of £50,000 a year? Yes.
122. So long as that is done, will your powers with regard to construction be null and void? Yes.
123. Have you taken power to come in if the Government fail to continue the dam, and to take it up yourself and complete it? Yes.
124. And will you pay the Government for what they have done by arbitration? Yes.
125. Why was that sum of £50,000 a year fixed upon? The Secretary for Public Works told me that he would spend that amount out of the annual grant of £200,000 which Parliament had voted for five years.
126. Do you estimate that it would be a safe thing to begin the construction of the canals, and go on so long as you had a guarantee that the dam would be proceeded with at the rate of £50,000 a year? Yes.
127. Did you also see the Treasurer? Yes.
128. If you did not provide to get power to build or continue the building of the dam, and if that were left open, would you recommend anybody to go on with the canals, trusting to the Government promise? No. There would be no confidence in the scheme unless the dam were secured?
129. Would there be any commercial security about it, unless there was a guarantee that the dam would be constructed? No. I would be very sorry to take up land, or to put money into it to get other people to take up land.
130. Is your Bill so framed that if the Government begin this work, and spend at the rate of £50,000 a year upon it, you will have nothing to do with it, and your powers will be null and void? Yes.
131. If the Government begin but do not continue the work, will the Bill give you power to continue the construction? Yes.
132. And will you pay the Government by arbitration whatever they expend? Yes.
133. Do you provide for the right on the part of the Government to take over the dam? Yes.
134. If the dam were not built upon a much wider base than is necessary for a height of 130 feet, would it be practicable to continue it to a height of 200 feet afterwards? No.
135. Do you propose in your Bill that, although you only run it up to 130 feet, it should be constructed on a sufficient base to enable it to be carried ultimately to a height of 200 feet? Yes.
136. Is there any power in your Bill to increase the dam beyond a height of 130 feet? None whatever.
137. Have you already been approached by one or two people with regard to the properties which they say would be injured by the Barren Jack proposal? Yes.
138. Have you taken care to provide in the Bill that any landowner or other persons who are in any way affected shall be fully compensated by arbitration? Yes; it is in Part III, clause 20.
139. With regard to the applications which you have already had made to you, is it possible for you to estimate now, except by an engineering opinion, what effect the damming of the Murrumbidgee River may have upon adjoining properties? No.
140. Therefore, it would be quite impossible for you to negotiate with people at present who tell you that they merely anticipate that their properties will be affected? Yes.
141. Could any other provision be possibly put in the Bill which would be a greater guarantee to people likely to be affected? I think we make full provision. I am quite prepared to agree that full provision should be made.
142. If the Bill is passed, and the work is done, and damage accrues to anybody, will they have a remedy to the full extent of their injury? Yes.

Witness--R. Gibson, 24 Sept., 1903.

143. Are you perfectly willing to alter the Bill so as to make it surer if anybody thinks that it is not sufficiently protective? Yes.
144. Do you estimate that if the construction of this dam were thrown upon you, or the people associated with you, that it would mean an expenditure of £500,000? Yes, in work.
145. Have you and your party been in communication with any financiers about finding the capital? Yes, for about eighteen months.
146. Has somebody gone to England to represent you, and is he there now? Yes.
147. What is the effect of the communications which you have received with regard to capital? That I can get money to the extent of £500,000, if the conditions are satisfactory on the lines of this Bill.
148. Have some fears been expressed with regard to labour conditions, and so on, being embodied in the Bill? We do not want any unfair labour conditions.
149. The assurances to you are that if the Bill is passed in a reasonable form, so as to give a fair prospect of commercial results, £500,000 is at your disposal? Yes.
150. Do those assurances come from the agent who has gone home? Yes; we have been promised more than that locally.
151. Is there anything you would like to add to the evidence you have now given? I would like to say that unless something is done small settlement in the country west of Narrandera will be wiped out. Without water the only future before that district will be large grazing properties. The small men will sell out to men who will put large station properties together. The district will always be a sound one, and will prove remunerative to men who can get large areas at the value of the land. The land in the past has been overvalued; but as far as the small farmer and grazier is concerned, my opinion is that he is going to be wiped out.
152. *Mr. Macdonald.*] What is their tenure now? Conditional purchase and conditional lease.
153. *Mr. Bruce Smith.*] Does your Bill consist of three parts? Yes. Part I is simply preliminary, consisting of the title and interpretation clause.
154. Do the other two parts refer to the power of the promoter and his liabilities? Yes.
155. Is clause 3 divided into six sub-clauses, the first giving you power to construct the Narrandera Weir and to divert the water into a canal? Yes. After the water passes from the dam into the river at a point near Narrandera, it is diverted into this canal with two branches.
156. Does sub-clause 2 give you power to construct irrigation canals with the necessary details? Yes.
157. Does sub-clause 3 give you power to construct and maintain a dam across the Murrumbidgee River, near the Barren Jack Mountain, to a height not exceeding 130 feet from the bed of the river, the dam to be used by the promoter for storing flood water, and augmenting the supply in the river during periods when the river is low; and so as to provide that the quantity of water in the river below the dam shall be, and continue to be sufficient to insure a continuous flow of not less than 500 cubic feet per second; and is that intended to be a guarantee that you can take nothing from the river if it has the effect of reducing the flow below this weir to less than 500 cubic feet per second? Yes.
158. Did you tell the Committee that during last summer the flow of the river got as low as 19 cubic feet per second at Hay? Yes.
159. Does this Bill guarantee a minimum flow from the dam of 500 cubic feet per second? It is equal to 300 cubic feet at Hay.
160. Is that fifteen times more than you have had during last summer? Yes.
161. As the Bill is framed, you cannot take any part of your 750 cubic feet if it has the effect of reducing the water that goes down the river below a minimum of 500 cubic feet per second? Yes; we have to keep enough water to maintain that flow.
162. *Mr. Ashton.*] What height would the river be at Hay with this volume of water flowing down? Practically about summer-level.
163. *Mr. Bruce Smith.*] Is that the maximum amount? Yes; that will mean a great saving to the Municipal Council at Hay in summer time in the cost of pumping water, and also to the Irrigation Trust and all the other settlers.
164. Would there be any need to pump at Hay at summer level? Yes; at the town, summer and winter.
165. Would you still have to pump for the Irrigation Trust? Yes; they pump always, unless rain falls. In the summer months our pumps work twenty-four hours, and we have to keep two engineers.
166. Does the fourth sub-clause of section three propose to divert to the Murrumbidgee River into the canal aforesaid, and to utilise a supply of water not exceeding 750 cubic feet per second? Yes.
167. Does the fifth sub-clause give power to enter upon Crown or private lands, &c., to make, lay, or construct canals, &c., subject to the compensation clauses? Yes.
168. Does sub-clause 5 give power to enter upon land to obtain a supply of material for carrying out the works? Yes.
169. At the site of the dam is there an unlimited supply of granite? I am so advised.
170. Does the sub-clause give you power to take that stone, although it is not connected with the canals? Yes.
171. Does the 4th clause provide for a restriction of your powers in these words:—

4. (1) The work of constructing the dam across the Murrumbidgee River, near the Barren Jack Mountain, as authorised by section three subsection three, shall not in any case be commenced by the promoter before the first June, one thousand nine hundred and four; and it shall be lawful for the Government of New South Wales, upon the Governor-in-Council so determining, and upon notification of such determination prior to the said date in the *Government Gazette*, to undertake such work.

? Yes.

172. So you cannot begin on the dam until the 1st June of next year? Yes.

173. Do you propose that the Government shall have power to begin at any time? Yes.

174. Sub-clause 2 is as follows:—

(2) In the event of such determination, and of the said Government commencing and continuing the said work during the year one thousand nine hundred and four, and expending the sum of fifty thousand pounds at least in the said year and a like sum in every subsequent year in and upon the work of constructing the said dam until it reaches a height of at least one hundred and thirty feet, the right of the promoter to construct the same shall be null and void: Provided that in such event the promoter shall be entitled to be supplied from the reservoir formed by such dam and through the Murrumbidgee River with such water as may be required for the system of irrigation by this Act authorised, such supply not to exceed (unless with the permission of the Minister for Public Works) seven hundred and fifty cubic feet per second;

and



and the promoter shall in such case make an annual payment to the Minister for Public Works, for the use of such water from the date of such supply, of a sum equal to four per centum on one-third of the actual capital expenditure in and about the construction of the said dam to a height of one hundred and thirty feet, such one-third capital sum not to exceed one hundred thousand pounds.

Why have you fixed upon one-third as a fair proportion? I consider that there are three interests. There is the Northern Murrumbidgee, the Southern Murrumbidgee, and then there is the river interest, or the Lower Murrumbidgee. Of these interests the Northern Murrumbidgee is the least, that is the one we are proposing to adopt.

175. Do you estimate rightly or wrongly that to take upon your shoulders the payment of 4 per cent. on one-third of the capital cost is fair? Yes.

176. Do you know of any calculations by the department as to how much it was considered the other side of the Murrumbidgee would require for irrigation? I cannot say, but there is twice or three times more country on the south than on the north to be served.

177. Would there be sufficient water to irrigate twice as much on the south side of the river as you propose to water on the north side? It will depend upon the height of the dam. If the dam were 200 feet high it could water both the north and south sides.

178. Would it water the south side to a greater extent than on the north? Yes, it is a fair estimate.

179. Then you go on to provide in sub-clause 3 :—

(3) In the event of the said Government failing to expend the said several sums, or any one of them, upon the said work as hereinbefore mentioned in the respective periods mentioned, it shall be lawful for the promoter to notify the said Government that the said Government has so failed, and that the promoter will undertake the work of constructing and completing the said dam to a height of one hundred and thirty feet from the bed of the said river, and thereupon the promoter shall be empowered to continue the said work, and the said Government shall hand over the said work of so constructing and completing the said dam to the promoter, and in such case the said dam and the right to maintain and control the same shall thereupon vest absolutely in the promoter until the Governor-in-Council shall exercise the power to take over the said dam conferred by section five of this Act. And the promoter shall be entitled in such case to take from the reservoir formed by such dam and through the Murrumbidgee River such water as may be required for the system of irrigation by this Act authorised without payment of the beforementioned sum of four per centum on portion of the capital cost of the said work or of any sum whatever.

That is assuming that you have taken the dam out of the hands of the Government and completed it;—that is to say, if the Government were to go on for three or four years spending £50,000 a year, and you took it over and completed it, you would complete it at your own expense, and you would pay the Government for their expenditure as fixed by arbitration. In order to carry this dam up to 130 feet to supply your canals on the north side of the river, would it only be necessary to have a dam made to a certain width at the base? Yes.

180. If it were required hereafter to be raised up to 200 feet by the Government, would you require to have a larger base? Yes.

181. Your provision is that, if you take it over from the Government and they have begun it on a broader base and you continue it up to 130 feet, you shall compensate the Government for the work done so far as it would be necessary on a narrow base for 130 feet? Yes.

182. For 130 feet in height you would not want it the full width? That is the case.

183. Do you submit that that is a fair way of doing the work? Yes.

184. Then the clause goes on to provide as follows :—

(4) In the event of the said work being so taken over from the said Government and continued by the promoter, all questions relating to the value of the work done and of the materials supplied for the said work shall be settled by arbitration between the promoter and the said Government under a reference hereby taken to be made under the Arbitration Act, 1902: and such arbitration shall be on the basis that the promoter, on taking over the said work of construction with a view of completing the same to a height of one hundred and thirty feet, shall pay to the Government in regard to the work already done only the value of that portion which would have been necessary if the said dam had been begun on a scale suitable for a total height of one hundred and thirty feet.

Then the Bill goes on to provide in different clauses as follows :—

5. In the event of the said dam being constructed by the promoter, it shall be designed to the approval of the Minister for Public Works, and may be of such dimensions as to be capable of being increased from a height of one hundred and thirty feet to a height of two hundred feet.

It shall be within the powers of the Governor-in-Council at any time subsequent to the construction of the said dam by the promoter to take over the whole of the land acquired by the promoter within the reservoir area, and all works by him constructed within such area, on payment of compensation to the promoter; such taking over shall be by notice in the *Government Gazette* as provided in the Public Works Act, 1900, and all the proceedings from the publication of such notice up to and including the payment of compensation shall be in accordance with the provisions of such Act: Provided that in such event the promoter shall be entitled to be supplied from such dam through the Murrumbidgee River with water as required for the system of irrigation by this Act authorised, such supply not to exceed (unless with the permission of the Minister for Public Works) seven hundred and fifty cubic feet per second; and the promoter shall in such case make an annual payment to the Minister for Public Works, for the use of such water from the date of such supply, a sum equal to four per centum on one-third of the total amount of compensation awarded to the promoter as hereinbefore provided.

#### DIVISION 2.—*To acquire lands and property in works and canal water.*

6. The promoter shall and is hereby empowered to acquire lands deemed necessary for the carrying out and maintenance of the works authorised by this Act, subject to the payment of compensation and to the following provisions:—

The promoter shall publish once at least in each of three consecutive weeks in some local newspaper circulating in the district in which the lands sought to be so acquired are situated a notice describing shortly the purpose for which it is proposed to take such lands and stating that the promoter is willing to enter into negotiations for the purchase of the same, and he shall deliver to the owner thereof a plan of the land proposed to be so taken, and shall require such owner to deliver to the promoter within ninety days from the date of the third publication of the aforesaid notice, or from the date of the delivery of the aforesaid plan (whichever is of later date), an answer stating whether the person so notified and so served with the plan aforesaid assents or objects to the taking of such lands, and setting forth the particulars of such owner's estate or interest in such lands, together with an abstract of his title thereto and the amount of compensation claimed in respect thereof. Such answer may be in the form of Schedule One.

7. In the event of the owner of any such lands assenting to the taking thereof, the value of such lands shall, where the owner and the promoter fail to agree as to the amount of compensation, be ascertained by arbitration under the provisions of the Arbitration Act, 1902: Provided that if within ninety days from so assenting, the owner is unable or refuses or neglects to make out a title to the satisfaction of the promoter, or to enter into a submission within the meaning of the Arbitration Act, 1902, upon request in writing by the promoter, such owner may be treated by the promoter as an objecting owner under section eight.

8. (1) In the event of the owner of any such lands objecting to the taking thereof under the provisions of this Act, or of his failing to assent or object within ninety days from the date of the third publication of the aforesaid notice, or from the date of the delivery of the said plan (whichever is of later date); and of its being proved to the satisfaction of the Minister for Public Works for the time being that a copy of the said notice has been brought to the knowledge of, and that

Witness—R. Gibson, 24 Sept., 1903.

a plan as hereinbefore provided has been delivered to, the owner of such lands, the promoter may, if he think fit, present a petition to the Governor describing the lands intended to be taken and the purposes for which they are required, and the name of the owner thereof who has so objected or who has failed to assent or object to the taking of such lands; and the said petition shall pray that the promoter may with reference to such lands be allowed to acquire the said lands and that the value of the said lands be ascertained as compensation to the owner thereof; and such prayer shall be supported by evidence of the necessity for the granting of the prayer of such petition.

(2) The Governor shall thereupon take such petition into consideration, and direct an inquiry by the local land board of the district wherein the said lands are situated as to whether the lands described therein and sought to be acquired are necessary for the carrying out of the works and purposes authorised by this Act, and in the event of the said board's determination being in the affirmative, then as to the value for purposes of compensation to which the owner is entitled hereunder.

(3) The local board so appointed shall have all the powers of arbitrators appointed under the Arbitration Act, 1902, for the purpose of determining the matters submitted to them, and the proceedings in and about the said inquiry shall be conducted and the costs shall be regulated in all respects as is provided in the said Arbitration Act.

9. In all cases in which the claimant shall be awarded a sum equal to or greater than the amount claimed for lands taken or injuriously affected by the promoter he shall be entitled to the costs of and incidental to the arbitration; but in all cases in which the claimant shall be awarded a less sum than that claimed, the promoter shall be entitled to the costs of the arbitration; but if either party is dissatisfied with the costs allowed by the arbitrator or arbitrators, such costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount to be paid.

10. After the completion of such inquiry, in the event of the said land board's determination being in the affirmative as to the necessity for acquiring the said lands, and (in the case of an objecting owner) upon payment of the compensation awarded by the land board to the persons entitled thereto, or (where the owner of the land assents to the taking thereof) upon payment of the compensation agreed upon or awarded by the arbitrators to the persons entitled thereto, or upon the deposit with the Master in Equity of the amount of such compensation in accordance with the provisions of section twelve; such land and the fee-simple and inheritance thereof, together with all accruing profits and all the estate, use, trust, and interest of every person therein freed and discharged from all obligations, charges, contracts, rights-of-way, or other easements; and shall thenceforth be vested in the promoter for ever, as fully and effectually to all intents and purposes as if the same had been conveyed by the persons legally entitled to sell and convey the said lands, provided that the promoter shall be entitled to such conveyance.

11. Where any lands taken for works authorised by this Act are the property of any person under any disability or incapacity not having power to sell or convey such lands, they shall be regarded and treated as objecting owners under section eight.

Then clause 12 incorporates a very large number of sections from the Public Works Act which have to deal with questions of land? Yes.

185. Does clause 13 deal with the acquirement of Crown lands which are required for the construction of the canal and its branches, subject to the payment of valuation to be fixed by the Local Land Board? Yes.

186. Does clause 14 provide for the mode of serving notices? Yes.

187. Does clause 15 deal with the property in the works and canal water? Yes.

188. Does Division 3 deal with the power to make regulations subject to the provisions of the Act? Yes.

189. Have those regulations to be approved by the Governor-in-Council? Yes.

190. Does that provide for making by-laws for the sale, supply, distribution of water, at the rate and price at which water shall be sold under a maximum for the management and maintenance of the irrigation works, the prevention and remedy of waste and undue consumption, and taking the water in an unauthorised manner? Yes.

191. Does clause 17 give power to assign rights, with a proviso that no rights against the promoter shall be prejudiced? Yes.

192. And that the assignees shall be as fully liable as you are for anything resulting from the powers here given? Yes.

193. Does clause 18 say that the promoter shall be empowered to sell and charge for water supplied through or by means of the works herein authorised; and are there two prices—one for domestic use, for watering stock, filling tanks, or for railway purposes, which is not to exceed 1s. per 1,000 gallons, while the price for irrigation purposes is not to exceed ½d. per 1,000 gallons; and is that a lower price than is charged at Mildura? Yes.

194. *Mr. Ashton.*] What is the cost for 12 inches of water on that basis? About 1s. per inch for 1 acre; that will be our maximum.

195. *Mr. Bruce Smith.*] Does clause 19 give the promoter power to borrow money? Yes.

196. Does clause 20 provide for compensation for any damage so done to any person in carrying out the works? Yes.

197. Does clause 21 deal with compensation for injury done, and embody the powers contained in the various provisions in the Public Works Act of 1900? Yes.

198. Does clause 22 provide that the promoter shall inflict as little damage as possible in carrying out the works, and that where he interferes in any way he shall provide other watering places, channels, &c.? Yes.

199. Does clause 23 provide that, where there is any interference with roads or railways, the work shall be executed to the satisfaction of the Public Works Department, and, if it is an interference with the railways, that the work shall be done to the satisfaction of the Railway Commissioners? Yes.

200. Is there provision for a deposit of £20,000 by the promoter prior to the commencement of any of the works, to remain at the credit of the promoter at current rates of interest until such time as the Colonial Treasurer shall consider that the works are of sufficient value to constitute a substituted security to all persons who may suffer injury or loss by the exercise of the powers conferred by the Act? Yes.

201. *Mr. Ashton.*] Will the canal work be commenced before the dam, or simultaneously? When we get a guarantee that the dam will be made, we will start.

202. *Mr. Macdonald.*] Will the canals be made without the dam? No.

203. *Mr. Bruce Smith.*] Are you perfectly willing to have a period fixed within which you must begin the work? Yes.

204. Would you be prepared to undertake to begin the work within twelve months from the date at which the Bill provides that the Government must begin to build the dam—that is June, 1904? Yes.

205. *Chairman.*] Are you agreeable, as promoter, to insert a provision in the Bill compelling you to begin the work within a specified time, and to complete it within a given time? Yes.

206. *Mr. Bruce Smith.*] What do you propose to do, suppose this Bill were passed, and you had the direction of this work, in order to utilise these powers? We propose to supply water and to acquire land.

207. Have you a lot of land under offer? Yes.

208. How much? 175,000 acres at present.

209.

209. What do you propose to do with that if you have the direction of this enterprise? To cut it up into irrigation farms and sell it after the water is put on.
210. The functions of this enterprise would be twofold: First of all to acquire land, which will be cut up into farms, then to be let or sold; secondly, to supply water to landowners whose land you do not acquire? Yes; to those whose land the water goes through and who are willing to buy water.
211. Are you approaching this enterprise in any philanthropic spirit, as a sort of Carnegie, who wants to distribute blessings, or is this purely a commercial undertaking? It is a commercial undertaking.
212. Are you doing it from a business standpoint, and have you associated yourself with business men to make it a commercial success? Yes.
213. You do not come here to pose as a person anxious for the amelioration of the condition of the race? No; I have asked the Government to do the work. If they will not do it I am prepared to take it over as a venture.
214. Have you ascertained from England that the money will be forthcoming if the Bill can be passed in a practical and reasonable form? Yes.

TUESDAY, 29 SEPTEMBER, 1903.

Present:—

MR. AFFLECK,  
MR. BYRNE,  
MR. D. R. HALL,

MR. ASHTON,  
MR. FERGUSON,  
MR. MACDONALD.

G. S. BRINER, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and MacKenzie, appeared for the Bill.

Mr. Shand appeared on behalf of the Public Works Department.

Mr. Nathan appeared on behalf of the Scottish Australian Mining Company.

Robert Gibson, recalled, and further examined:—

215. *Mr. Bruce Smith.*] Do you wish to make a further statement with regard to the provisions of the Bill? Yes; I should like to supplement my evidence so that the members of the House, who are not here, but who may look to the evidence given before the Select Committee, may clearly understand that I am only asking for the most reasonable powers from Parliament, and at the same time providing all possible safeguards in the interests of the public, whose interest those powers may prejudicially affect. The Bill is divided into three parts, the first being merely formal matter, such as the title of the measure, and the interpretation clause defining the meaning of the terms used in the various provisions. Part II contains the powers which I seek from Parliament, and Part III enumerates and sets out the liabilities, which I am prepared to take upon myself. Section 3 enumerates the principal powers which I ask to have given to me. They are: first, the power to make a weir near Narrandera to divert the water from the river into the proposed canals; second, the power to construct the proposed canals; third, the power to construct the dam at Barren Jack Mountain, behind which it is necessary to store the surplus waters of the river for use during dry seasons. I ask for power to construct that dam up to a height of 130 feet. I ask, fourthly, for power to take off, out of that conserved water a maximum quantity of 750 cubic feet per second, leaving the balance to flow down the river; but I have provided that I can only take that amount so long as it does not interfere with the supply that goes to the river below. The amount below which that down-river supply must never fall is 500 cubic feet per second at Narrandera, equal to about 300 cubic feet at Hay, and unless that is always flowing I am, under the Bill unable to take my maximum. The flow this year past Hay, at the driest time was only about 19 cubic feet per second; so that the minimum flow provided for in the bill is fifteen times that which has actually been in the river at the driest time. The other powers asked for are (in sub-section 5) to enter upon Crown and other lands for the purpose of carrying out the scheme and (in sub-section 6) to enter upon lands to take material for the construction of the dam. These are the chief powers asked for to enable me and those associated with me to carry out this scheme. Section 4 is designed to restrict my powers. The Barren Jack dam is absolutely indispensable to the scheme, and if the Government will build it, I should prefer it; but it would be impossible from a commercial point of view, to begin the canals until the building of the dam is guaranteed. I take the power in section 3, sub-section 3; but then section 4 prevents me from beginning to construct it before 1st June, 1904, and at the same time allows the Government to begin it at any time before that date. Sub-section 2 of that section then provides that if the Government begins the construction and continues it at the rate of £50,000 per annum until it has reached a height of 130 feet, the promoter's power to construct it becomes null and void. In that case (under sub-section 2 of section 4) I undertake to pay, for the use of the water, 4 per cent. on one-third of the cost of the work done by the Government, that third not to exceed £100,000. I have fixed one-third as a fair proportion, because the effect of the dam would be to create three irrigation interests—the north side, the south side, and the up-stream and down-stream interest. The amount I have provided to take on my shoulders is really greater than the proportion which the amount of water I propose to take would represent; and it is only fair to state that the Government intend to build the dam on a scale which will admit of its being carried up alternately to 200 feet, whereas I want it only 130 feet on a much reduced and less expensive scale. My third portion of the Government expenditure would be equivalent to more than half the cost of building to a height of 130 feet if it were built on the less expensive scale for the lower height, which engineers will tell you would be sufficient for my purpose. If the Government then build the dam, the power for me to do it passes away; but under sub-section 3 I have provided for the possibility of the Government beginning the work and not continuing it. That sub-section gives me power, in such an event, to take over the portion of the work done and complete it; and I provide that the Government shall be recouped whatever they have expended—provided it be deemed worth that sum by the arbitrators to be appointed for the purpose of valuing it. Then it is provided (still in sub-section 3) that if I purchase the Government work, and complete the dam at my own expense, I shall not have to pay the one-third, or anything at all, for the water, because in such a case I should have dammed

Witness—R. Gibson, 29 Sept., 1903.

dammed the river at a cost of £300,000 for the benefit of other interests besides my own. Then, in section 5, there is a power to the Government to come in and resume the dam for its own purposes, and to compensate me under the Public Works Act according to the value. When that is done my obligation to pay for the water again arises; and I have to pay 4 per cent. per annum, on one-third of the amount which the Government paid me over the resumption. Section 5 also requires that if the promoter carries out the construction of the dam he shall build it according to the design approved by the Minister for Public Works. That will give the public a guarantee that the site best adapted for the work shall not be occupied by any structure of insufficient strength or stability for its purpose. Section 6 empowers me to acquire land for the carrying out and maintenance of the irrigation works. The owners of land are divided into two classes—those who assent to the taking and those who object. Section 7 deals with assenting owners by providing that where the promoter and the owner cannot agree as to the amount of compensation there shall be ordinary arbitration under the Arbitration Act. Section 8 deals with objecting owners by providing that the promoter must satisfy the Minister for Public Works that he has served the regular notice; then the promoter has to petition the Governor to be allowed to acquire the lands, and the Governor may direct an inquiry by the Local Land Board (first) as to whether the land is required for the carrying out of the work, and (secondly) as to the amount of compensation. The costs are to be so regulated that the promoter will be discouraged from offering too low a sum in compensation, and the owner will be discouraged from asking an exorbitant price; for if the claimant recovers one-third less than he claims he will have to pay the costs, and if he recovers as much as he claimed or more than offered by the promoter the latter will have to pay them. Then there are several sections 10, 11, and 12 (the last embodying a number from the Public Works Act) dealing with the settlement of questions of title, and payment and apportionment of compensation, where there are children or persons under legal disabilities or questions of mortgage involved. Section 13 deals with cases in which the canals or distributories pass through Crown lands. It provides that the lands shall be granted at a valuation to be fixed by the Local Land Board. Section 14 provides the method by which notices under the Act shall be served. Section 15 vests in the promoter all the works constructed under the Act. Section 16 gives power to make regulations in the nature of by-laws, on several subjects, such as the supply, sale, and distribution of water, the prevention and remedy regarding waste, fouling, theft, &c., of water; but all such regulations must be subject to the provisions of the Act, and in accordance with the approval of the Governor. Section 17 gives the promoter power to assign his rights, but so as to preserve the rights of any persons affected by the Act against the promoter and as against the person to whom the assignment is made. Section 18 gives the promoter power to sell the water at two different prices—one in the case of small quantities for domestic use, for watering stock or for filling tanks for the public or the railways; another for larger quantities supplied for irrigation purposes. The maximum price for the smaller quantities is 1s. per thousand gallons, which is the same as is charged by the country municipalities; the price for the larger quantities is 1s. 2d. per thousand gallons, which is a lower price than that charged at Mildura. There is a proviso to the effect that in cases of unavoidable inability such as drought or accidents, there shall be no liability for failing to supply water. That is the whole of Part II which deals with the rights of the promoter and the limitations and restrictions on those rights. Part III deals—as I have said—with the promoter's liabilities. Section 20 renders him liable for all injury of any kind which results from the performance of their duties by any of his employees; but it requires the person injured to serve on the promoter ninety days after the injury is done, a claim setting forth its nature and the amount of the claim, in order that the alleged damage may be inquired into and evidence obtained in the event of exaggeration or misrepresentation. Section 21 provides for arbitration in regard to any such claims, and section 22 guards against any undue damage being done in the carrying out of the work, providing again for compensation. The same section compels the promoter to provide substituted crossings, watering-places, or drains where existing ones are interfered with, and section 23 provides that where any bridge, culvert, or similar work connected with the traffic is interfered with it must be done to the satisfaction of the Department of Public Works, and similarly—in case of interference with railway construction—to the satisfaction of the Railway Commissioners. Clause 24 provides for the deposit of £20,000 with the Colonial Treasurer, prior to the commencement of the work, as a security to all persons who may suffer injury. I propose to add a clause undertaking to commence the work within a certain time from the beginning of the construction of the dam, otherwise to forfeit all rights under the Bill.

216. *Mr. Shand.*] In the schedule of your Bill, you define the counties through which the main channel will run, and also through which the subsidiary channels will run; are you prepared to define the channels? Only approximately.

217. Can you do so within a couple of miles? No; the levels of some of that country have never been taken; we want to go as far in towards the Lachlan River as the levels of the country will permit.

218. What counties have you taken the levels of? We only go by the levels in the hands of the Public Works Department.

219. Do you know the scheme of the Public Works Department with regard to the northern bank of the Murrumbidgee? Yes; I have seen it.

220. Does your scheme depart to a considerable extent from that? Yes.

221. Do you want to take it a long way more to the north? Yes; we consider that is better country for irrigation.

222. Have you acquired provisionally 175,000 acres? Yes.

223. On what part of the canal is that? Nearly all on the northern canal.

224. Is it in one continuous block? No.

225. Does the portion coloured red on the map produced include the counties through which the main canals are to go, and does the portion coloured blue show the subsidiary channels? Yes.

226. What are the nearest parishes to the off-take? The parish of Ballingall, county of Sturt, and the parish of Wyngan, county of Cooper; they are the two nearest parishes. The main canal will go through the parish of Ballingall.

227. Do you propose to sell to the people using the scheme water-rights or water by measure? Water by measure.

228. Not water-rights at all? No.

229. Does your scheme provide for the resumption by the Crown of your canal? No; there is no special provision.

230. Would you be willing to have a provision inserted in the bill that the Crown might, at any time, resume the whole of your works on payment of the purchase money, with the usual 10 per cent. added? I have no objection.
231. Have you gone carefully into the amount of storage? No, I am not the engineer.
232. I notice that you have in your bill a provision that you should not be bound to supply those taking water in the event, among other things, of a drought? Yes.
233. Have you gone into the question whether a drought is likely to interfere with your supply? If we got year after year of dry weather and the reservoir got exhausted we would be done.
234. You admit there is a possibility of that? There is a possibility, but I do not think it is probable.
235. But you think it necessary to have that in the bill? Yes.
236. If the Government take these works over from you, is it not provided in the bill that they are to supply you with 750 cubic feet of water per second, whether there is a drought or not, so that your bill makes no provision for a drought? I have no objection to a provision being put in if there is no water there.
237. Do you notice in your bill in the event of the Government taking over the dam, and there not being sufficient water, there is no provision for relieving the Government from their obligation? We ask that after 500 cubic feet per second passes down the river we get 750 cubic feet per second.
238. You have no objection to a clause being inserted in the bill that in the event of the storage proving insufficient the Government need not supply you with the maximum amount, but only with such amount as they could reasonably supply you? Yes.
239. Do you know that the Government have a scheme for irrigating the southern Murrumbidgee? Yes, I have seen it projected.
240. Just as a northern scheme is projected by the Government? Yes.
241. Has it struck you that allowing you 750 cubic feet of water per second may, in times of drought, prevent the southern bank from receiving any water? I think it will want a bigger dam than what we project if the southern country is to be served.
242. Have you gone into an estimate as to the height that will be required? No.
243. Assuming that the Public Works Department are of the opinion that 750 cubic feet per second is more than the storage will supply are you prepared to enter into this scheme with a much smaller amount of water? That is a matter which I would have to consider.
244. Assuming that the Public Works Department are of the opinion that they could not contract to supply you with more than 400 cubic feet of water per second, would that interfere seriously with your project? Yes, because we would have to go into the financial aspect; we would have to reconsider the whole scheme.
245. Are you prepared to define the country which will be served, assuming that you get the powers contained in the bill, that is 750 cubic feet of water per second? Yes, excepting that I cannot say how far north we can get.
246. Can you define it in this way; that you will serve all the country through which the canal passes? Yes.
247. That is if application is made to you? Yes. We are prepared to supply all the country through which the canals pass.
248. With the quantity which you say you are prepared to supply according to your evidence—that is, 12 inches per annum? Yes.
249. Will you have any objection to a clause being inserted in the bill binding you to supply all applicants, irrespective of whether they are on your land or not? I am not quite prepared to agree to that; but what I say is—we want to sell water, we do not want to buy land. We are simply acquiring land to prevent the scheme being a financial failure; it is optional with people to take the water. If the owners of the country will agree to take water up to the quantity we have to dispose of, I doubt whether we will buy an acre of land. I have under offer 175,000 acres; we say we will serve 430,000 acres. The Hay branch goes 80 miles through the country, and I think I have under offer between two and three miles of that country. The rest is not under offer, nor have I applied for an offer; but if the stations will not use the water we will be compelled, in order to make it a financial success, to acquire more land, either from them or other parties.
250. Would you be willing to have a clause inserted binding you to supply all applicants along the line of canal? Yes.
251. Irrespective of whether they are on your land or not? Yes.
252. That is the reason why I asked you whether you would sell water rights or by measure? We will sell simply by measure.
253. Would you object to a clause being inserted restricting you from selling water rights? I have no intention to sell water rights.
254. That would not affect your scheme? No.
255. You ask for powers in the bill to construct and maintain a weir across the Murrumbidgee. Are you prepared to take the bill with the restriction that the weir shall be constructed to the approval of the Minister for Public Works? Yes.
256. In the second sub-clause of clause 3 you ask for power to widen, deepen, divert, or use for drainage or other purposes, any existing creek, lagoon, swamp or watercourse. Are you prepared to have a similar restriction inserted with regard to those works? Yes, that it should be subject to the approval of the Minister for Public Works.
257. In sub-clause 3 of clause 3 you provide that there should be a flow of not less than 500 cubic feet per second below the point of offtake? Yes.
258. Do you know that there are at present negotiations going on for an agreement between the states as to the amount of water that shall flow down the Murray? Yes.
259. Are you prepared to take that quantity of 500 feet below the offtake subject to any agreement that may be made with the states? No; I have nothing to do with the states; I hold that this is a New South Wales river.
260. Do you want it to be binding whether it will affect the other states or not? Yes.
261. You ask for a supply of 700 cubic feet per second;—can you tell me with what amount less than that you can undertake to go on with this project? No; the whole of the calculations are based on getting water for about 400,000 acres.
262. Did Mr. McKinney work that out for you? Yes.

Witness—R. Gibson, 29 Sept., 1903.

263. Will you get him to calculate the least amount that will ensure the carrying out of your scheme? Yes.
264. In sub-clause 2 of clause 4 you provide for the payment of interest on one-third of the capital necessary to construct a dam to a height of 130 feet; I understand you said that the way you get at that as a fair measure of price is by taking three interests—first of all, the North Murrumbidgee;—what scheme does that include? That is our scheme. We practically serve the whole of the northern country that can be served by gravitation.
265. Is the third interest the navigation? I was not referring to the navigation at all. I was referring to the people on the river who pump above and below Narrandera, and the people who have frontages to the river, and then the flooded country below Hay.
266. Do you take into account that the Government may want to irrigate the Southern Murrumbidgee? Yes; that is one of the interests I have taken into consideration.
267. If they supply you with 750 cubic feet per second, do you take that irrespective of whether there will be enough to supply the other side, or do you assume that there will be? No; I say we are going to provide storage sufficient for the north and the river supply. I do not say that we provide anything sufficient for the south. I think we would want to build the dam 200 feet high to provide storage for the south.
268. Is the irrigation of the southern side one of the interests that you have taken into consideration in determining the interest on one-third? Yes.
269. Is that irrespective of the question as to whether there will be sufficient water to supply yourself and the other side under this project? Yes, quite irrespective.
270. Under the Bill, you are only bound to pay for the water as required;—is it your intention by this Bill, if the Government do take over the dam, that you will pay for water from the dam, whether it is required or not? Yes.
271. Are you willing to have the Bill altered, so that there will be no possible misinterpretation of the words "as required"? Yes.
272. Assuming that the Crown think it necessary to obtain control of the Barren Jack Dam, and they have not the ready money to build it, would you be prepared to take debentures for the cost of the work, and carry out the work under the supervision of the Minister? No.
273. If the Government pay for it by debentures, leaving the control with the Government? I am afraid not; I would have to consider that.
274. Assuming the Government construct the dam, are you prepared to pay anything more than you offer in the Bill—that is, 4 per cent. on one-third of the cost? I think I offered too much.
275. Am I to take it that you are not prepared to go further than that? Yes.
276. No matter what the dam may cost? Yes.
277. Assuming that the Government build it, and find it impracticable to build it for £300,000, do you want your liability to be limited to 4 per cent. on £100,000? Yes.
278. Would you be prepared to pay on the basis of the quantity supplied to you? It would depend on the price.
279. As long as it did not exceed 4 per cent. on £100,000? We must have a limit as to what the water will cost us; it would be cheaper for us to take the water if we wanted it and pay so much per million gallons.
280. In your estimate, have you gone into the probable amount of water that will be used from year to year? That is a stipulated part of the scheme.
281. If the whole of the water were used, would you not have an enormous income at the prices you propose to charge? These are our maximum prices; we must offer the water on such terms that it will be taken.
282. Did I understand you to say that you consider the Hay prices were reasonable prices? Yes.
283. Will you charge on the same basis? Yes; that is our maximum, that is, the Hay maximum.
284. With your supply, have you calculated what the return would be if used? We do not expect to get payment for the whole of the water we are going to have command of; there is waste.
285. I am not talking of waste; do you estimate that 600,000 acres would be effective? Yes; probably only half of that will be distributed over the paddocks. We estimate that one-fifth will be wasted, but we do not allow for the waste in the paddocks—that is, in distributing.
286. In the one-fifth estimate, have you allowed for the leakage from the canals? Yes; from our main canals.
287. And evaporation? Yes.
288. Do you know that the estimate of 600,000 acres would represent £250,000 a year at your maximum charge? Yes; but we do not expect to get anything like that. People have the option of taking the water; that is the difficulty we are going to be in.
289. Look at clause 8, sub-clause 3, which says: "The local board so appointed shall have all the powers of arbitrators appointed under the Arbitration Act, 1902, for the purpose of determining the matters submitted to them, and the proceedings in and about the said inquiry shall be conducted, and the costs shall be regulated in all respects as is provided in the said Arbitration Act;"—do you know that the Arbitration Act provides that the costs are in the discretion of the arbitrator? I have no practical knowledge of that.
290. Do you say you are prepared to have a clause in the Bill binding all applicants along the line of the canal? Yes.
291. In clause 16, sub-clause 2, it is provided that you may make Regulations for the order in which applicants may be supplied? Yes.
292. What do you understand that to mean? I am President of the Hay Irrigation Trust. Last summer we were supplying irrigationists once in two weeks, on days that might be named by us. They say if they want water, and we say when they will get it.
293. Are you prepared to have this inserted in your Bill: that all people entitled to the water shall be supplied in turn, irrespective of whose land it is? Yes. With reference to the flooding of the Lower Murrumbidgee, the whole difficulty could be met by putting one, or at most two, weirs below Hay. The Public Works Department promised that they would do so. The increased summer supply is of far greater value than any loss which will be sustained in that way.
294. *Mr. Ferguson.*] Does not a man get a natural advantage from the flooding of his land? Only once in five or ten years.

295. *Mr. Shand.*] In clause 23, it is provided that where any bridge, culvert, or other work affecting the traffic, or any public road, is interfered with in the carrying out of the work of the promoter, such work shall be executed to the satisfaction of the Department of Public Works;—would you object to the words “and maintained” being inserted after the word “executed”? We hope to have very close settlement there.
296. Would you be willing to have it limited to any bridge or culvert? I have no objection if anything is done that is caused through us.
297. Is your scheme intended to be carried out continuously? Yes.
298. Are you willing to fix the time after the commencement within which you will carry out the whole work? Yes.
299. And the same with regard to the dam? Yes.
300. Assuming that you are going to construct it yourself, are you agreeable to complete it to 130 feet within a particular time? Yes.
301. Can you mention a time? We will be prepared to commence it within eighteen months from the 1st June, 1904—that is, when we know that the Government are not going to make it.
302. Would you be prepared to spend a sum equal to that which you ask the Government to spend,—that is, £50,000 a year at least,—until completed to 130 feet? Yes.
303. Will you be able at this inquiry to define the canal? Only roughly. I could do so within 5 or 6 miles, but not within 2 miles.
304. Will you be prepared to do that? We have a plan here. This plan shows what we intend to do, as nearly as we can see. We will go further north. The further north we go, the better country we get into for irrigation. It shows that the main canal goes to the township of Gunbar, which is about midway between the Murrumbidgee and the Lachlan.
305. You will not bind yourself to this proposed direction of the canal except within a margin of 5 or 6 miles north or south? Yes; with regard to the Hay branch, we want to take it in a position most suitable to the landowners. It goes through large estates, principally running 30 miles back from the river. The position of the canal will be guided to a large extent by the demands of the land-owners.
306. Is that one of the subsidiary canals? Yes; and also the other subsidiary canal.
307. But, as far as the main canal is concerned, are you prepared to abide by this plan, or within 5 or 6 miles on either side? Yes.
308. Have you the levels taken? Not yet.
309. *Mr. Bruce Smith.*] Have not levels been taken by the Works Department? Yes; but not the levels we want.
310. *Mr. Nathan.*] Do you know the Scottish Australian Mining Company's land, consisting of 400 acres? It has been pointed out to me on the parish map; I have never seen Barren Jack.
311. Do you see this plan, marked red, on the northern side of the Murrumbidgee? Yes.
312. Under this scheme of yours, is not portion of that land admittedly going to be flooded? Mr. McKinney, the engineer, can tell you; I cannot say of my own knowledge. I have no local knowledge.
313. Assuming that this property is going to be flooded by this scheme, what provision have you made in this Bill for the payment of compensation to the Scottish-Australian Mining Company for this mineral property? I think it is provided for in the 20th and 21st clauses. I instructed Mr. Mackenzie, the solicitor, to ask the manager, Mr. Chilcott, and Mr. Brown to draft a clause and submit it to him. We do not want to do any damage to anybody without paying for the damage done, or compensation.
314. You were asked by Mr. Shand, with regard to clause 23, as to whether you would be prepared to erect bridges and maintain them;—do you know that there is a ford across the river from the property of the Scottish-Australian Company to Mr. Brown's property? I do not know the country at all.
315. Is it a fact that you are only—I do not want to say a dummy—but an agent for somebody else in passing the Bill? There are other men with me.
316. Is it true that, if you get the Bill through, you will get a commission and go out of the thing? No.
317. Have you any objection to tell who is at the back of this Bill? I would rather not tell. I have not asked them about it. I leave myself in the hands of the Committee if they want to know. All I want to say is, that I am not a dummy in this matter; I am the principal. I have not consulted the parties; but if the Committee think it is of importance, I am prepared to name them.
318. Looking at the definition of the word “value” in clause 2, does that practically mean what is called the betterment principle? Yes.
319. Have you any objection to add to the Bill, in clause 16, certain words, so that the clause shall begin as follows: “The promoter may, subject to the provisions of this Act, and to the riparian rights of any owner”? I am not prepared to answer that question.
320. With regard to the provision in clause 24 to make a deposit of £20,000 with the Colonial Treasurer, have you any objection to that sum being paid into the hands of the Colonial Treasurer at a fixed date? If we are bound to start the work in the specified time, we are bound to pay the money within a specified time. We are agreeable to have a clause put in that we shall commence in a specified time.
321. Have you any objection to an alteration of that clause, so as to pay in the £20,000 in a specified time? I am prepared to be bound down to start within a certain time, and prior to that I will make that deposit.
322. *Mr. Ashton.*] What time does the promoter desire that the Government shall have in which to make up their mind as to whether or not they shall carry out the Barren Jack Dam? December, 1904; or six months after the passage of the Bill.
323. Suppose that before the expiration of that six months the Government notify the promoter that they do not intend to construct the dam, is the promoter prepared to bind himself to commence the work within a certain period after the receipt of the notification? Yes.
324. What period? Within twelve months.

WEDNESDAY, 30 SEPTEMBER, 1903.

Present:—

MR. AFFLECK,  
MR. FERGUSON,  
MR. H. McDONALD,

MR. ASHTON,  
MR. BYRNE,  
MR. D. R. HALL,

Mr. ROSE.

G. S. BRINER, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, for the Bill.

Mr. Shand appeared for the Public Works Department.  
Mr. Nathan appeared for the Scottish Australian Mining Company.

Robert Gibson, recalled and further examined:—

325. *Mr. D. R. Hall.*] What is the whole area affected by this scheme? It would practically affect 2,000,000 acres.

326. Do you anticipate that one-fifth of that area will be served with water? Yes.

327. Of that area, how much do you anticipate you will purchase? Up to 200,000 acres.

328. Will you serve one-fifth of that area of 200,000 acres, or do you expect to irrigate the whole of it? We practically expect to irrigate the whole 200,000 acres. We are afraid that the large station-holders will only be consumers of water to a very limited extent, and the Hay Branch practically goes through all large holdings. If they irrigate 1,000 or 1,500 acres each, that will be as much as they will do.

329. Of the 400,000 acres which you irrigate, do you anticipate that 200,000 acres will belong to your Company? Yes.

330. Of the 2,000,000 acres to be operated upon, how much belongs to the Crown? We will tap the abandoned country on Cowl Cowl. Perhaps 50,000 or 60,000 acres of that country will be served. There may be another 50,000 acres of Crown land at Gunbar. The rest is practically under some tenure. Most of it is freehold land.

331. Is the land at Cowl Cowl unoccupied at present? Yes; it is under no tenure. It would be taken up very quickly even if water was not put on it, because it would be of value if it were near an irrigation settlement.

332. How many families may be settled on Crown lands if this scheme be carried out? If we can get the water on to the Crown lands, we estimate that 500 acres will be sufficient for a family. 10,000 acres to 15,000 acres would be required for a family without water under present conditions.

333. Of the land now under occupation, is the greater part under freehold tenure? Yes; freehold, conditional purchase, or conditional lease.

334. Of the land to be operated on, what is the nearest point to a railway, and how far away is that part which is the farthest from a railway? The land to be operated upon by the main channel would be 14 or 15 miles from the railway-line.

335. How far away from the railway would be the farthest? About 30 or 35 miles.

336. Is there any other way of getting the produce to market except by carriage for 35 miles to the railway? Not at present; but there is a contemplated railway-line which will tap the Gunbar district—that is, from Temora to Hillston, *via* Gunbar. From Temora to Barellan has already been sanctioned by Parliament, and that line is designed to go *via* Gunbar to Hillston.

337. Has the House approved of that line? Yes, from Temora to Barellan.

338. Is the line to Gunbar sanctioned? It has not been approved.

339. Has the Public Works Committee approved of it? Yes. The prosperity of the town and district of Hillston depends upon a railway, and that is the line which has been decided upon if it is to be made. It will come by way of Barellan and Gunbar to Hillston.

340. In the absence of this projected line, would it pay to go in for intense culture there? We look to wheat-growing, to a large extent, to make this a success, without going into real intense culture. Wheat can be carried profitably from 20 to 30 miles at an average price to the grower of 2s. 6d. a bushel. In that district large areas have been cultivated. Three of my brothers, during the last few years, have cultivated over 1,000 acres in the Gunbar district. One farm has had up to 2,000 acres under wheat.

341. Was that more than 25 miles from a railway line? Yes. The farmer I refer to who had a large area under wheat is 40 miles from Carrathool. He did fairly well with cultivation until the last two or three years.

342. If the Government did not carry out this suggested line, would it be possible for a man to live on the area you mention of 500 acres, with water for half that area, and having to cart his produce so far to market? Yes. When the wool season is over carriers will cart wheat at a very low rate. They are satisfied if they make wages for themselves. Wheat has been carted 40 miles for 1s. to 1s. 3d. per bag.

343. Does the produce from this district go entirely to Sydney or Melbourne? The whole of the grain produced comes to Sydney. Wool delivered in Hay has the choice of Sydney or Melbourne at about the same rate per ton.

344. If a line were opened to Deniliquin would you be some hundreds of miles nearer Melbourne than Sydney? All the wheat from this district would either go into Whitton or Carrathool, or to one of the sidings between those points. Hay is over 30 miles further west than Carrathool; so that Sydney is the port of shipment for grain even though the railway were made.

345. Did you say that you would agree to a clause being put in the Bill so that the Crown and their tenants would receive equally fair treatment with the tenants on your land? Yes. I may say that we do not want to buy any land if we are assured that we can get customers for the water. Buying the land is only a protection in order to try to make the scheme a financial success.

346. Have you any idea as to the area of land owned by the Government on the south side of the Murrumbidgee? It is practically all alienated. There may be a few reserves here and there. There is no great area of Crown lands.

347. Did you say that the Crown might repurchase the canals as well as the other works with 10 per cent added? We have no objection to their resuming the canals.



348. That is, the Crown might practically resume the whole project? Yes, except that they could not resume the land we may sell. That would belong to private individuals.
349. Would you object to a clause being put into the Bill giving the Crown the right to resume under the Public Works Act—that is, at the actual value at the time, or at the cost plus 10 per cent.? I am under the impression the Government could resume our channels under the law of the land. We have no objection to that being put in.
350. In clause 4, sub-clause 2, you say: that after 500 cubic feet per second is provided to go down the river on condition that you get 750 cubic feet per second you undertake to pay interest on one-third of the capital sum;—is that on condition that you get the first 750 cubic feet per second? Yes; we have to maintain sufficient in our canal to keep 500 cubic feet per second running. That is the minimum flow.
351. What I mean is this: if the Government have canals on the southern side of the river you would not agree that your flow should decrease equally with the flow decreasing which might be going to the Government's scheme on the south side? No. After 500 cubic feet per second passes down the river we would expect to get 750 cubic feet per second. That would be the next draw out of the storage.
352. Even supposing the Government erected the dam to a height of 200 feet, and there happened to be a shortage, would you still expect to come in before them? Yes; if we pay interest at the rate mentioned.
353. If the Government failed to construct the dam under sub-clause 3, and you erect it, do you then provide for 500 cubic feet per second to go down the river? Yes; under clause 3, sub-clause 3.
354. *Mr. Ashton.*] In the event of the Government constructing the dam, will the 500 cubic feet per second be what may be called a first charge upon the water? Yes.
355. If the Bill does not provide for that are you quite agreeable that it should? Yes.
356. *Mr. D. R. Hall.*] In clause 5 you speak of works constructed by the promoter, will there be any other works than those which are essential for the irrigation scheme? Not that I am aware of. Mr. McKinney can give more details than I can. It is only for the storage of water and allowing for an overflow when the dam is full. Those are the only works I contemplate, and for taking the water out.
357. Would it not be possible for you under this Bill to make it more expensive for the Government to re-purchase by having works which were not an essential part of an irrigation scheme? The plans have to be approved of by the Secretary for Public Works.
358. Would you agree that the works alluded to here should have to be approved of by the Secretary for Public Works? I would be prepared to allow the Minister to approve of all works that we would ask him to resume, but we would want to have the right to erect works that we might wish to remove.
359. Clause 13 deals with acquirement of land; before private land can be acquired, must the Land Board agree that it is necessary for the work? Yes.
360. Would you also agree that before Crown lands are acquired the Land Board must approve? Yes.
361. Clause 18 gives power to charge for water; what does the municipality of Hay charge at present? Anyone who takes water by meter, as he has a right to do, is charged 1s. per 1,000 gallons.
362. What is the usual charge for 1,000 gallons for watering stock? The same rate.
363. If the Government erect a dam who will supply Hay with water? Hay is independent. It is on the river. The Irrigation Trust has an independent plant. It may pay the Irrigation Trust to get water by gravitation from the channels of this scheme, but that is a matter for arrangement. The Irrigation Trust is independent of this scheme, and so is the town of Hay.
364. Clause 20 provides for compensation for damage, and notice must be given within three months; if a satisfactory reason can be shown why notice was not given, would you agree that the court should have power to waive that condition? I have no objection to that if a satisfactory reason can be given.
365. *Mr. Ferguson.*] How long have you been in the Hay district? Twenty-eight years.
366. Have you been engaged in pastoral pursuits? Yes, all the time. For the last fifteen years I have been working a stock and land agency in connection with farming and grazing.
367. Have you been fairly successful? Yes. The last drought has given every one in the district a shaking up, myself among others.
368. Do you propose to put much money into this scheme? I will put in all that my bank will allow me to get from them. I am prepared to put in as much as my banker will allow me to draw.
369. I want to see what confidence you have in the scheme yourself;—what amount of money would you be prepared to put into the scheme? I am not prepared to say how much money; but I have land to be served which will represent good value. If I can get water on to the land, it will pay me.
370. You say that your proposed Company do not want to buy land;—is it your object merely to sell water? We reckon that we will have to buy land, as well as sell water, to give the scheme a chance of being a financial success. We are afraid that there will not be a sufficient demand for the water to guarantee us a return.
371. In the event of the Government constructing this dam, and you construct the canals, how would you get at the price of the water to be paid for by the consumer? It is measured.
372. Whom would they pay it to? To us.
373. How would the Government be recouped for their outlay if they construct the dam? The Government look to the Company to pay them £4,000 a year.
374. Is that interest on one-third of the cost of construction? Yes; that comes to £4,000.
375. Do the Government guarantee to give you 750 cubic feet per second for the payment of interest on one-third of the cost? Yes.
376. Do you think that the land on the south side of the river is suitable for irrigation? Yes; but not so suitable as the land on the main channel.
377. Could the Government make the other two-thirds interest by supplying water to the people on the south side? Yes.
378. Then there must be double the quantity which you would get? It is a question as to the quantity of water that may be stored in the reservoir? I am informed by Mr. McKinney that a dam 155 feet high will store double the quantity of water that will be stored by a dam 130 feet high.
379. Unless the Government can get the other two-thirds of interest by irrigating the south side of the river, will it be practically a valueless speculation from their standpoint? From our standpoint, it is an experiment. The Government will find out whether it will pay them to increase the size of the dam so as to supply everybody.

Witness—R. Gibson, 30 Sept., 1903.

380. The larger the dam the greater the expenditure ;—the amount you will pay does not increase with the size of the dam ;—it is limited to one-third of the cost of construction, and must not exceed £100,000 ;—if the dam costs the Government £400,000, they will have to find interest for £300,000 from land, which you say is not so good as yours? It is well adapted for irrigation, but I think it is not so good as ours.
381. Is there double the quantity of land on the south side that there is on the north side? There is three times as much land on the south which would be irrigable by gravitation. It is private land.
382. If the Government construct this dam, do you think they could get interest for the money by supplying water to the people on the south side? I think so. I think the people on the south side would be only too glad to buy water. I have every reason to believe that.
383. What do they use the land for on the south side? Chiefly for grazing.
384. Would they require much irrigation for grazing, except in drought? The normal condition is drought.
385. After the rains which we have had lately, would a pastoralist require any water for irrigation, say for a year? No. But he would have taken as much water as you could give him last July or August.
386. That is an extraordinary case, and a succession of droughts for four or five years is abnormal? Yes.
387. Do you think that that land would be used for wheat-growing instead of for pastoral purposes if the owners could get water at a reasonable rate? I am afraid the large landowners will not be consumers of water to a great extent. They will be afraid of labour conditions. They may use water for grazing purposes, but not for wheat cultivation.
388. Do you say that the success of the scheme on your side will depend upon the land being used for wheat-growing? Yes.
389. In the event of the Government constructing the dam, and the land on your side is used for wheat-growing, one-third of the interest will be guaranteed to the Government, the other is a mere matter of speculation? The Government had better let us make the dam, and we will undertake the speculation.
390. I want to know how it will affect the Government if they make the dam ;—there is power for the Government to build the dam, and I want to get your opinion as to whether it will be a successful venture on the part of the Government? I think the Government are warranted in going into the venture as an experiment to settle a district, which without water, will never carry smaller settlement.
391. Do you think it would pay them? It would indirectly, if not directly.
392. Is there not some talk of an irrigation scheme lower down the river than yours? Of course, the Lower Murrumbidgee can be flooded naturally when there is a high river.
393. Is there not some talk of an irrigation scheme lower down the river? There is a proposal to irrigate the Berrigan district from the Murray.
394. You say that in the event of this dam being constructed, you make provision here for a flow in the river of 500 cubic feet per second ;—do you say you are willing to have a clause inserted in the Bill providing that that shall be a first charge under this scheme? Yes.
395. When you build this dam, do you stop the supply down the river until your dam is full? You lessen the supply while filling the dam, but the moment it is filled the supply goes on just the same as if there were no dam.
396. If you dam the river you must stop the flow of the river until it is filled? Yes.
397. What is the flow of the river under normal conditions? When the river is at summer level at Hay, it is about 300 cubic feet per second.
398. How long would it take your dam to fill under those conditions, taking the summer flow? We must fill it in winter. It is for the purpose of augmenting the flow in summer.
399. Immediately you dam the river you stop the flow? The impounding of the water will be done in winter when the water goes to waste.
400. As soon as the dam is built, will you not stop the flow of water, winter or summer, until it is filled? Yes.
401. What is the estimated time that it will take to fill the reservoir in summer? I cannot say.
402. If your dam had been built two years ago, is it probable that it would not have been filled yet? Yes.
403. That is to say, all the people on the lower banks of the river would have been deprived of the water for two or three years? No; 500 cubic feet per second must go down the river.
404. That is after the construction of the dam ;—the supply of 500 cubic feet per second does not apply during the building of the dam? The building of the dam may occupy two years, if we do it, and ten years if the Government do it.
405. The longer you take to build your dam the worse it will be for the people down below? There must always be provision for flood-water to get away.
406. When you start to build the dam, you will have to divert the water until you get it up a certain height; but what I want to get at is this: the greater the quantity of water that it takes to fill that dam once you stop the flow the longer the period the people below must wait before they get any water? No, because 500 cubic feet per second must be going down the river.
407. Is not that only after the construction of the dam? We are willing to say that 500 cubic feet per second must be supplied before we commence to store.
408. You would not have commenced to store any if you built the dam two years ago? The last two years have shown us the necessity of storage for years before it is drawn upon. The last two years have been the driest time on record.
409. Have you some knowledge of the land that is on the proposed reservoir area? No; I know nothing about it.
410. Do you propose, as a business man, to go into this venture without ever having seen this area? Yes, when I have a practical engineer like Mr. McKinney. I know the land on which we are going to put the water, and I do not care where the water is stored.
411. *Mr. Ashlon.*] How far away is Barren Jack from the off-take? About 200 miles.
412. *Mr. Ferguson.*] It has been stated that there is a quantity of mineral land likely to be flooded by the impounding of the water? I am told so.
413. Do you know anything of those mineral properties? I only know what they want me to buy them for. I do not know what they are worth.
414. You propose under your Bill to pay compensation to these people ;—will that be arrived at by the Land Board? No, by the usual mode of arbitration.

415. Are you prepared to pay whatever they say it is worth? Whatever the arbitrators say it is worth. I may say that the price wanted for these two leases is £50,000. I have been asked to undertake to purchase 1,740 acres at an average price of £35 per acre. That includes both properties. Mr. Brown and Mr. Chilcott were present. At that price the purchase money would come to £60,900, but they said they would take £50,000.
416. Did you come to any terms with them? I told them that all I could do was to promise that they would be compensated for any injury they could prove under the Bill, but I was not prepared to offer them £50,000, or any amount.
417. I suppose you have already other local men in this venture with you? Yes.
418. Do you propose to get your money locally, or in England? In England.
419. Will this question of compensation be settled before you undertake your work? We would get a valuation of those mining leases. Mr. McKinney would tell us how much of that country was going to be flooded. It is only the area which will be flooded which will be affected. We will get it valued.
420. We are presuming that your Bill is passed, and that you have power to construct a dam and the canals; as some of this property would be flooded by the impounding of water, would the question of compensation be decided straight away? Yes.
421. If you put this proposal before people in England, and tell them that you have certain rights under your Bill, they will not know exactly what damage they will have to pay? We would get an expert mining engineer to go up, and he could estimate what damage is likely to arise.
422. *Mr. Ashton.*] Has much work been done on those mining properties? I understand they have been at a standstill for three years.
423. *Mr. Ferguson.*] Has that been owing to the drought? Perhaps to the want of remunerative mineral. I have no knowledge of those properties.
424. Before your scheme could be floated would you not have to prepare an estimate of the amount of compensation to be paid? Yes.
425. Have you given an estimate of the amount of compensation which is likely to be charged? No; I knew nothing about this mining property until within the last two weeks.
426. Did you not say that you were assured that if this Bill were passed you could get £500,000 to go on with the scheme? Yes. I do not think £50,000 will affect the getting of the money if we have to pay it.
427. That is a mere bagatelle? No. But I do not think it will affect it to the extent that we would not get the money.
428. Do the people who offered the money know of this? If the arbitrators decide that we have to give £50,000 it will be for something worth £50,000. We do not want to have anything to do with mining, but we may be forced to go into a mining investment that may be remunerative.
429. £50,000 might be a serious item as to whether a man would go into the venture; did the people in London, who offered you the money, have any idea as to the compensation that would have to be paid? We have given an estimate of the cost of the dam and the resumption of land.
430. At what did you put down the cost of resumption? I put down the whole reservoir site at £300,000. That is the cost of resumption and labour in making the dam.
431. How much do you estimate the reservoir would cost without resumptions? Mr. McKinney would know that.
432. If you have estimated the cost at £300,000 for resumption and carrying out the work, have you not an estimate of the cost of construction? I have to depend on the engineer for that part of the scheme. He will give you the particulars.
433. Has there been any opposition to your scheme in the neighbourhood of Hay, or anywhere along the river? No. There was a public meeting held in Hay which was unanimously in favour of it. There was also a public meeting at Gunbar in favour of it, as well as a farmers' and settlers' meeting and a workman's meeting. There were also public meetings in favour of the scheme at Carrathool, Mount Ida, Whitton, and Jondaryn.
434. But public meetings do not prove that no person is opposed to the scheme? The prosperity of the district depends upon some such scheme as this. I suppose the people as a whole would sooner see the Government carry it out.
435. Are you agreeable to give the Government the option for twelve months after the passage of the Bill to begin the work? Yes.
436. Is that for the dam only? The storage reservoir.
437. Would there be anything to prevent the Government carrying out the whole scheme, canals and all? There is nothing to prevent the Government doing so. As far as I am concerned, I will gain as much by the Government doing it as I will under this scheme. I will then take no risk, and I have land which will be served by the channels.
438. *Mr. Ashton.*] But if the Bill were passed, would it not be bordering on repudiation for the Government to carry out the whole of the work? Yes.
439. *Mr. Ferguson.*] This Bill will give you power? What I mean is, if the Government say they will carry out this work, or some modified form of it, I will go home satisfied.
440. Are you willing to give them the option, and leave it open for twelve months? No. If the Bill goes through I will set to work to make the channels.
441. You give them twelve months from the passage of the Bill before they start the reservoir? Yes.
442. And an expenditure of £50,000 a year will suit you? Yes.
443. How long do you estimate it will take to construct your channels? Roughly, eighteen months or two years. The sooner we get the canals made the sooner we get our return.
444. You have not decided on the spot where you will put your canals? We have within a few miles.
445. Is that the best available spot which was shown on the plan produced yesterday to carry your canal? Yes.
446. Does the land about that canal belong to you? Some of it.
447. Is the land outside of your 170,000 acres irrigable? It is just the same country.
448. How far is it from a railway? Thirty miles on an average.
449. How far would the land on the other side of the river be from a railway? There is a greater area of country there. The average distance would be about 40 miles, and then they have the river to cross.

Witness—R. Gibson, 30 Sept., 1903.

450. What is the nearest point on the railway? Whitton.
451. Who principally own the property on the south side? They are large station-owners.
452. Who will not go in for irrigation? Not on an extensive scale.
453. Is this practically your evidence; that this scheme would pay you to construct, but it would not pay the Government? I am afraid it would not pay the Government unless they resumed the land.
454. Your evidence is that if you constructed it it would pay you, but if the Government constructed it it would not pay them? No; unless they resume the land. If we are to depend on the large landowners we have no guarantee that they will be consumers of water, except to a limited extent. We will have channels running mile after mile through country where the water will never be used.
455. Do you think that if you constructed the work yourself you would get interest on your outlay? That is where the speculative part of the scheme comes in.
456. Do you think the Government ought not to undertake it? I think the Government ought to take the reservoir and give us the water free, as the Irvine Government propose to do in Victoria. That is, to make the head works, and only ask the landowners to pay for the distributing channels.
457. Do not they charge landowners enough for the water to pay interest on the cost of construction? They have tried to do so, but they have written off £1,000,000.
458. Have you any objection to state who are your partners in this scheme as far as you have gone? I have no objection; but, as I said yesterday, I have not got permission from them. I am in communication with them.
459. Would you not like to make known their names until you have their permission? It would be more satisfactory to me to have their permission. I have no objection to give the names if the Committee wish it.
460. *Mr. Ashton.*] Do you estimate that the cost of the storage works would be £300,000? Yes.
461. And in the event of the Government not carrying out the works are you prepared to carry them out? Yes.
462. If the Government subsequently resume the work, or if they originally construct them, will you be prepared to pay £4,000 a year for the use of the water? Yes.
463. On a 4 per cent. basis it would cost £12,000 a year to provide the storage reservoir, and if the Government carry out the work will you get what you want for £4,000 a year? Yes. We consider that there is an advantage in having the construction of the dam in our hands.
464. You make no secret of the fact that you prefer the Government should carry out the work? Yes.
465. Do you propose to sell in small areas the land which you may possibly acquire the freehold of in connection with this scheme? Yes. We propose to sell it in 200 to 300 acre blocks on an average. Some blocks will be smaller near the towns.
466. Do you regard the results of the private and public irrigation experiments carried out in the Hay district up to date as satisfactory? No, I cannot say that I do; but I am satisfied as to what the land is able to produce.
467. Is the essential difference between this and any other scheme in the Hay district that this is a gravitation scheme while all the others are pumping schemes? Yes.
468. Does that make the difference between success and failure? Yes.
469. Would you go so far as to say that the Hay irrigation area has been a success? No. It is simply in the experimental stage. It is neither a success nor a failure. I have added to my acreage during the last six months.
470. If the Government had not furnished the money would the scheme have collapsed? We started with very little capital.
471. Are you of opinion that wheat can be grown by irrigation in this locality to compete successfully with wheat which is grown by natural methods in more favoured districts? Yes. I am perfectly satisfied on that point. What has been grown in the Gunbar district with 2½ inches of rain from the time the grain was sown until it was reaped. Previous to the sowing there was a good autumn rain which soaked the land. That was a fair 10 or 12-bushel crop.
472. *Mr. Affleck.*] Supposing the railway be constructed to Barellan which will be the nearest railway station for the Gunbar country? The Barellan line must be continued 50 or 60 miles to reach Gunbar.
473. Will Carrathool still be the nearest railway station? Yes.
474. *Mr. Nathan.*] Do you say that it would require about 5 acres to keep a sheep without irrigation in this country? Yes. That is the normal carrying capacity.
475. Do you think that with irrigation the country will carry ten sheep to the acre? Yes, under lucerne. That is intense culture.
476. Did you say you had 175,000 acres under offer for farms? Yes.
477. Is that the right to purchase at a certain time at a certain price? Yes.
478. At the time you got those options did the people you got them from know that this scheme would be asked for? Yes. If this scheme falls through, as an agent, I am quite willing to negotiate with any buyer of property.
479. *Mr. Shand.*] The title of this Bill provides for the sale and supply of water thereby diverted for irrigation and other purposes. What other purposes do you contemplate? Filling tanks for domestic supply. We may supply a town like Whitton with water.
480. Have you made any provision in your estimates for the drainage of land which you propose to irrigate? No. We hope that the water will be utilised beneficially and not wasted.

Michael Rutledge, sworn and examined:—

481. *Mr. Bruce Smith.*] Have you been a grazier for eighteen years in the district affected by this Bill? Yes.
482. Have you come to town purposely to give evidence? No, I came to town on other business.
483. Do you know the district which it is proposed by Mr. Gibson to irrigate under this scheme? I know it fairly well from Narrandera to Oxley.
484. What is the area of your grazing land? About 17,000 acres. In some years I have rented twice that area and in other years none. I have 17,000 acres of my own land.
485. What has been your experience in your part of the district? I was fairly well off three or four years ago, but the drought has completely ruined me. Nearly all the people in the district are in the same position.

486. How many sheep had you four years ago? In 1900, I shored about 19,000. Now, I have only about 400 left.
487. Did you cultivate any land? Yes, about 100 acres, a few years ago. I gave it up, because it was a failure.
488. What has been the experience of your neighbours with regard to cultivation? The majority of them have given it up of late years. They went in heavily, but they gradually knocked it off.
489. Do you know any cases in which any of them cultivated a large acreage? I know several in the Gunbar district who cultivated up to 1,500 or 2,000 acres.
490. How much are they cultivating now? Some of them have abandoned their country and have left the district.
491. What view do you take as to the probable effects of this irrigation scheme? I do not know anything else that will keep the people there and make the land of any value.
492. Could you sell your land at present? I do not think so.
493. Have you tried to find a buyer? Not lately. I would sell, and so would many in the district. As things are, they cannot live on it.
494. Do you consider that the land in the direction of the proposed canals is suitable for irrigation? All east of Gunbar township is suitable for nothing else but irrigation. It is valueless at present, and has been for years.
495. What proportion of the stock has disappeared from that district during the last two or three years? Portions of the district have no stock left. At present, I do not suppose there is more than one-fourth of what is there in ordinary seasons.
496. Have you had an opportunity of ascertaining the opinions of landowners in the district with regard to this scheme? Yes, I have seen nearly all the landowners personally in that district.
497. What is their feeling in regard to this scheme? They are all in hopes that it will come off. Some look forward to nothing else. They will not remain in the district unless it is carried out.
498. *Mr. Ferguson.*] Have you had any experience in irrigation? No; only what I have seen of small plants on the river.
499. Is there any irrigation in the neighbourhood where you live? I know the Hay Irrigation Scheme; I have watched it since it started.
500. Is the land in your neighbourhood suitable for irrigation? Yes.
501. Can you tell an irrigable soil? Yes.
502. How would you arrive at the conclusion that certain soil was suitable for irrigation? Most of the sandy ground in that part is suitable, and red clay or loam. The plain country is not suitable.
503. Do you think that sandy ground or red clay is suitable? Yes.
504. Do you think sandy soil is suitable for irrigation? Yes.
505. Without a clay bottom? For wheat it does not affect it much.
506. Then they could grow wheat at Bondi if they had plenty of water? No, not on that sort of sand.
507. Must not sandy soil have retaining power? All the sandy soil in the Riverina will grow wheat with rain.
508. Is there not soil close to the sandy soil which will hold water? Yes. At a depth of 15 inches there is a hard bottom.
509. Do you know where the canals under the proposed scheme are likely to go? Yes.
510. Has there been any irrigation in the immediate neighbourhood? No.
511. Has there been any irrigation on the land under offer to Mr. Gibson? I do not think so.
512. What is the nearest point at which there has been irrigation? On the river frontages 20 miles away.
513. Have they been successful? Yes, but the cost of pumping is the trouble.
514. Do you hold 17,000 acres? Yes, conditional purchase and leasehold.
515. Is that suitable for irrigation? Very little of it.
516. Would none of the land around you be suitable for irrigation? Ulonga would not be suitable for irrigation.
517. Would all the areas near the river be suitable? All east or south-east of that point would be.
518. Do you know the country on the south side of the river? Yes.
519. Is it mostly held in large stations? Yes.
520. Is any of that country suitable for irrigation? Yes. More suitable for irrigation than the land 10 miles east of One Tree.
521. Is the land that is held now by pastoralists in large areas on the south side suitable for irrigation? The land on the north side is better than that on the south side for irrigation.
522. Do you think the land on the south side would ever be used for wheat growing? I think so if they had water. The land on the north side of the river is of no value without irrigation. The land on the south side is now used for grazing.
523. Have the pastoralists on the south side of the river been fairly successful in normal seasons? Yes. Fairly. They have not suffered so much as the north and west.
524. Would they be likely to alter their system of occupation from pastoral pursuits to wheat growing if they had water? I think so.
525. Have you ever heard them say so? They have all said they would irrigate only for the great expense of pumping. That is on both sides.
526. Have you heard any of the pastoralists on the south side say that they would use their land to grow wheat if they had water? I do not say that they would grow wheat, but I think I am safe in saying that they would use their land for growing several kinds of crops.
527. They would grow lucerne in a dry season? Yes. Lucerne, wheat, and sorghum in a dry season.

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Hugh Giffen McKinney, sworn and examined:—

528. *Mr. Bruce Smith.*] Are you a civil engineer and a member of the Institute of Civil Engineers, London? Yes.
529. Did you hear Mr. Gibson say that he is relying almost altogether on your authority with regard to this Barren Jack dam, and the scheme for conserving water there? Yes.

Witness—H. G. McKinney, 30 Sept., 1903.

530. In view of that, will you state what has been your experience as a civil engineer? I spent three years, from 1864 to 1867, at the Queen's University, Ireland, and took the diploma of civil engineer, with honors after examination. After that, I was an articled pupil with Mr. Roberts, a member of the Institute of Civil Engineers, and afterwards Commissioner of Works in Ireland. After that I went up for an examination for appointment in the Public Works Department, India, and I obtained third place in the competition. There were between fifty and sixty candidates, and it was a limited competition, because only those who had fulfilled the conditions as to University training and pupilage were allowed to compete.
531. Did you then go out to India as Assistant-Engineer? Yes; on the Baree Doab Canal. That was in 1869.
532. In 1871 were you promoted to the second grade of assistant-engineer? Yes.
533. Were you still working on canals? Yes; I was on construction work from 1869 until 1875.
534. In 1874 were you promoted to the first grade temporarily? Yes.
535. In 1875 were you promoted to the first grade permanently? Yes.
536. In 1875 did you submit yourself for the higher standard examination in canal law? Yes; that is an examination required of the engineers who have the management of the running canals.
537. What law is that? There is a Northern India Canal and Drainage Act. It is an examination to qualify for the duties of canal magistrate, which the canal officers in charge of running canals have to perform in addition to their other duties.
538. In 1877 were you gazetted as canal magistrate of the North-Western Province of India? Yes.
539. In the same year were you promoted to be Executive Engineer? Yes.
540. During all those years were you at work over canals? Yes.
541. In the construction, management, and control of canals? Yes; I was in every department of canal work, from preliminary surveys to the management of the water. I remained in India until the latter part of 1879.
542. Were you then appointed Resident Engineer to the Sydney Water Supply Works? Yes.
543. In 1882, did you receive the honorary degree of Master in Engineering from the Queen's University, Ireland? Yes.
544. Were you made district engineer in charge of all the canal works south of Prospect in 1882? Yes.
545. In 1884 were you appointed engineer for water conservation throughout New South Wales? Yes.
546. How long did you remain in the Service? Until 1900 I was in the Service—practically doing the same sort of work all the time.
547. Did you resign in 1901? Yes.
548. Were you appointed to advise a commission in Auckland in 1901? Yes.
549. Have you been in private practice since? Yes.
550. Were you employed by the Government to do anything in connection with the Inter-State Royal Commission on the River Murray? I was specially retained to analyse the evidence taken and to compare it with notes which I had made before, having been engaged for many years before that on the same class of work. I was also retained to report and give evidence.
551. Where you engaged by the New South Wales Government to do this work? Yes.
552. Did you receive fees to the amount of more than 300 guineas from the Government? Yes.
553. Did you make any recommendations on the question that the Royal Commission was dealing with? Yes. My report to the Commission contained eight recommendations and suggestions.
554. Was that report made in pursuance of this retainer by the New South Wales Government? Yes.
555. To what extent were your suggestions acted on? Three of those recommendations or suggestions were practically adopted as I made them, four others were taken with modifications.
556. Have you been connected with hydraulic engineering ever since 1864? Yes; for about forty years.
557. In the course of your employment on behalf of the Government of New South Wales, had you occasion to study the district through which this proposed scheme runs? Yes.
558. Had you to do with the River Murray? Yes. I prepared schemes for utilising both the Murray and the Murrumbidgee.
559. How many years ago? They were first put in a fairly complete form in this report which I produce, published in 1891. It is called "A Progress Report: Water Conservation, Department of Mines and Agriculture, 1891." It is on water conservation throughout the State of New South Wales generally.
560. What does the second map in that report show? The outlines of large schemes as I first proposed them in Riverina with regard to both the Murrumbidgee and the Murray. That is a scheme for utilising the water for irrigation.
561. Does that cover the district through which this scheme of Mr. Gibson's is proposed to be carried? Yes; but it is dealt with in a somewhat different way, inasmuch as a large lake near Narrandera, on the north side of the Murrumbidgee, known as Coolacumpama, was proposed to be utilised for storage purposes, The Barren Jack dam had not then been surveyed and was not known.
562. Do you mean not known to the Government officers? Yes. It had never been surveyed. Its capabilities were not known.
563. You do not doubt that the Barren Jack mountain was known to the inhabitants? It was known that the river ran through a gorge there, but it had not been brought to the notice of the Department, and no survey had been made.
564. Had you not something to do with a Royal Commission on water conservation in 1885? Yes. I went over the very same matters then, and sketched this out in rough outline at that time.
565. Had the inquiry then made by that commission any bearing upon this particular scheme? Not exactly. I did suggest a scheme for dealing with the northern side of the Murrumbidgee, but it was practically what is shown in this report of 1891.
566. Using the lake you have referred to as a reservoir for water storage? Yes. After going into the question of carrying out the scheme in that way, I found that it would be too expensive, and therefore I did not recommend it.
567. Was the fact noted by you in your report of 1891? I think it was.
568. Was anything important done between 1891 and the time of Colonel Home's visit? The information was further supplemented. More levels were taken throughout the country after 1891, and the contours shown on these maps were then obtained.

569. So that that scheme was perfected? Yes, the taking of the levels so as to indicate the levels in outline.
570. In 1896, did Colonel Home visit New South Wales? Yes.
571. Who was he? He was a Royal Engineer who had entered the service as Lieutenant of Engineers. He had served thirty-four years, and he rose from being Assistant Engineer to be Inspector-General of Irrigation for the whole of India.
572. Was he an English military man, who devoted his attention to hydraulic engineering? Yes.
573. Was he considered to be an authority upon the subject? Yes; the position he rose to showed that. He was specially engaged by the New South Wales Government to come here to report generally on water conservation in New South Wales, particularly with regard to irrigation.
574. Were you associated with him when he came to report? Yes; I supplied him with information throughout, and I accompanied him on his inspection. He was here for twelve months.
575. During that time, did he travel over all the river districts? Not all. He went carefully into the whole question of the utilisation of the Murray and the Murrumbidgee; but he came to the conclusion that the other rivers were in a great measure unsuitable for irrigation.
576. Did he embody his inquiry and opinions in a report? Yes. It is a long report, with maps attached to it.
577. Do those maps show the lines of canals which he recommended? Yes. There were only two schemes put before him in a fairly complete form. Those were the schemes for the south side of the Murrumbidgee and for the Murray. He did look into the matter of the scheme for the north side; but at that time we had not the full capacity of the Barren Jack reservoir, and the question of the scheme in its present form had not been gone into. He simply concurred in the opinion that the scheme for the north side, using Lake Coolacumpama, was too expensive.
578. Did he express in that report any opinion upon the Barren Jack site as being suitable for a reservoir? Yes; he visited the site.
579. Did you visit the Barren Jack site with him on that occasion? Yes.
580. Did he express any opinion in his report? Yes; he considered it a very suitable site.
581. Had surveys then been made? Only on a rough preliminary survey.
582. Did he embody in his report on water conservation a recommendation which involved the use of the Barren Jack site? Yes.
583. So that in recommending the Barren Jack site as a suitable one for conserving the Murrumbidgee waters, you have Colonel Home, with all his authority as an expert, to confirm your recommendation? Yes.
584. Did he consider or recommend any alternative site for a dam in order to conserve the waters of the Murrumbidgee? He visited one or two others. I visited one with him. There is only one other good one which he inspected. That is near the head of the Murrumbidgee called the Gulf, and sometimes known as Tantangra Basin. It is not more than 10 or 12 miles from Kiandra.
585. Are there any maps in Colonel Home's report that will be useful for the Committee? Yes.
586. Does it show an elaborate scheme on the south side of the Murrumbidgee? It shows the position of the proposed offtake, and also the main canal and a branch to Hay; but it does not indicate other branches.
587. Did you visit the Barren Jack site before he came here? Yes; I have seen it once since then.
588. Are the surveys now complete in the Public Works Department? I understand they are.
589. Did you know enough of the Barren Jack site to feel confident in recommending it in accordance with Colonel Home's recommendation? Yes.
590. Will you describe the character of that particular locality where it is proposed to put the dam? It is about 25 miles from the Bowning station. It is about 30 miles from Yass station.
591. How far is it above Hay? It is about 200 miles above Narrandera; that is, by the river.
592. How far is it from the junction of the Murrumbidgee and Goodradigbee Rivers? About 2½ miles below the junction.
593. At this particular site, what is the width of the gorge at the base? Only about 100 feet wide.
594. And in what material? In granite, both the bottom and the sides of the river.
595. What would that widen to up to the 130 feet level? About 600 feet.

THURSDAY, 1 OCTOBER, 1903.

Present:—

MR. BYRNE, | Mr. FERGUSON,  
MR. H. MACDONALD.

G. S. BRINER, ESQ., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared on behalf of the Public Works Department.

Mr. Nathan appeared on behalf of the Scottish Australian Mining Company.

Hugh Giffen McKinney, recalled and further examined:—

596. *Mr. Bruce Smith.*] At what height above high-water mark is the bed of the river? About 980 feet above Sydney high-water mark.
597. To what extent would land be submerged by putting up a dam to a height of 125 or 130 feet? It was only estimated to be 125 feet high. The total area submerged would be 4,080 acres.
598. How can that be classified? 260 acres of Crown land, 870 acres of conditional purchase and conditional lease land, 1,430 acres of alienated freehold land, and 1,520 acres made up by the river bed and roads.
599. How much of that land is cultivated? About 300 or 400 acres.
600. What is the character of the other land outside the cultivated land on the sides of the reservoir? It is grazing land. As a rule it is rocky.
601. Is it valuable land? No; it is rather a poor class of grazing land as a rule.

Witness—H. G. McKinney, 1 October, 1903.

602. Would an extra 5 feet above 125 feet in the dam cause a very large increase in the submerged area? No; the increase would be very slight.
603. What is the storage capacity of the reservoir up to 125 feet? 7,747,000,000 cubic feet.
604. Are there 6½ gallons to the cubic foot? Yes; there will be 8,568,000,000 cubic feet if the dam is made up to 130 feet.
605. Were any calculations made or checked by Colonel Home as to the effect of putting that dam up to 125 or 130 feet? Yes; he made calculations based on the records of seventeen years of the flow in the river.
606. Are the figures which you have given based on the calculations in Colonel Home's report of 1897? In a great measure, but not exactly.
607. Within some hundreds of thousands? Yes; they are really within his estimate.
608. Have you arrived at any conclusion as to what supply could be relied on from a storage of 8,000,000,000 cubic feet? I consider that it is a sufficient allowance to make for the supply which is asked for in the bill, that is, 750 cubic feet per second, and 500 cubic feet per second as well.
609. For how long? There has been no year for which records have been obtained in which that supply would fail except in 1902.
610. Is that up to 125 or 130 feet? That is up to the storage proposed, 130 feet.
611. Do you say that with the exception of 1902, there is no record of any year in which the storage in this reservoir would fail to supply 750 cubic feet per second, as well as 500 cubic feet per second for the river? Yes.
612. How far back do the records go? To 1879.
613. How far short would the supply have gone in 1902, supposing this dam had been built up to 130 feet? It would have been short in the latter part of April, the whole of May, and the early part of June, and it might have been slightly short in November of that year.
614. You do not profess that any scheme will create more water than comes down the river naturally? No.
615. Do you say that in 1902, which is the worst year recorded, it would have been short in the months you have named? Yes.
616. Were those months important from an irrigation standpoint? The months in which the supply would have been shortest of all, it would have been of very little importance, that is the end of April, May, and the early part of June.
617. Would the shortness during those months have affected the irrigating value of this water supply? Practically, it would not.
618. Have you been able, in investigating this question of water conservation, to ascertain how far back it is within the memory of the people there that such a short supply of water as that in 1902 was ever known? There is no authentic record of the river ever having been so low before.
619. How far back do the residents go in their recollection? The residents told me that since the country was settled, shortly after 1840, they never remembered anything like it.
620. So that even in 1902, for practical irrigating purposes, the shortness would not have interfered with a practical scheme like this? No; there might have been a slight shortness; it would have been a partial supply.
621. During what months is it most necessary that there should be a supply of water for irrigation? During the spring and summer months, from August right on till March.
622. During those months even in 1902, would there have been sufficient water to irrigate the land proposed to be operated upon? Yes.
623. What is the catchment area of the Murrumbidgee above the proposed dam? Its area is 5,000 square miles; it includes nearly all the highest and most mountainous part of the catchment area of the Murrumbidgee.
624. During how many months of 1902 would the people lower down the river have been short of 500 cubic feet per second irrespective of the irrigation scheme? If there was no reservoir they would be much worse off during the whole of the summer months.
625. Supposing the reservoir had been constructed to a height of 130 feet during 1902, for how many months of the year would the lower part of the river have been without a minimum of 500 cubic feet per second? Only about the time I have mentioned, at the end of April, the whole of May, and the early part of June.
626. Under this scheme unless 500 cubic feet of water per second was going down the river, the promoter would not be entitled to take 750 cubic feet per second. Do you say that during three months of the year in 1902 the worst year known, the canals would have been without water? Yes.
627. Wholly or partly? Not altogether, but nearly so.
628. Would 500 cubic feet of water still have gone down the river from the reservoir? No.
629. What quantity would have gone down, and would it be a greater quantity than went down in 1902? The reservoir would have kept up the supply through the whole of the summer to 500 cubic feet per second. During the months of January, February and March of 1902, with the reservoir in operation, the whole 500 cubic feet per second would have gone down the river.
630. At that time, without a reservoir, did only 19 cubic feet per second go down? Yes, for part of that time at all events; it was certainly much below 500 cubic feet per second.
631. You heard Mr. Ferguson ask yesterday whether the effect of building this dam would not be to absolutely stop the flow of the river for a time, even if the dam might take some years to construct;—what is your answer to that? There would be really no such thing as a stoppage of the flow. During the whole time of the construction of the work one of the troubles to be dealt with would be providing for the water that would have to flow over the dam or else through openings that might be left in it. The water would be constantly rising as the work went on, and would never be really stopped.
632. Have you any fear that the flow would be absolutely stopped? No; the progress of the dam could not possibly go on at such a rate as to make any perceptible difference in the flow.
633. When would the filling of this dam take place? Unless some means were taken to prevent it, it would keep filling as the work proceeded.
634. What openings would there be in the dam to allow the water to go down the river? The intention is that there should be a series of sluices to allow the water to go off at different levels, and also to act as an overshot dam in addition—that is, that the water should flow over the top also. 635.



635. Then the flow of the water down the river below the dam will be specially provided for? Yes; practically, it will not be interfered with.
636. When will the water begin to accumulate in the dam if it is always running down? A flood in that river would fill the whole dam up to the total height in a few days. A flood would fill it in four or five days up to 130 feet.
637. Would the amount of water which usually comes down from above go over the dam. Yes; or through the sluices.
638. What is the length of the canals which you propose to construct? The length of the main canal would be 90 miles.
639. What would be the length of the branches? It is difficult to say, because the only branch that is pretty certain to go near the line proposed is the Hay branch, the other branches must depend on the demand for water, but there may be an aggregate of 50 or 60 miles of branches.
640. Will the total be about 200 miles? That would cover the whole of it.
641. How far below the Barren Jack dam would the water be diverted from the Murrumbidgee? About 200 miles lower down.
642. Would there be any diminution of the water between the time that it would pass from the dam and reach this diversion? I do not think so. I think the natural percolation inwards without counting the creeks or the Tumut River would be greater than any loss that would arise.
643. So that the quantity that would go over the dam or through the dam would reach the river at the place where it is to be diverted? Practically, it would.
644. How do you propose to divert it? By the construction of a moveable weir, which would divert the requisite depth of water.
645. Is that included in your estimate of cost? Yes.
646. What is the estimated cost of the weir? About £15,000.
647. What is the character of the country for the 200 miles, between the dam and the weir? It is mountainous country, and it goes through old geological formations and granite.
648. Did you decide that point for the diversion where the weir should be erected, or was it decided by Colonel Home? I selected it; he did not select any site for diversion.
649. Has any point been chosen in that immediate vicinity for diversion by the Public Works Department? Yes, I understand that Mr. Wade also prepared a scheme. I think the head which he proposed was above Narrandera.
650. How far is your weir from Narrandera? About one mile below it.
651. How long is it since you fixed upon that site for a weir? I fixed upon the exact place only within the last few months, but I had a limit within which the place was to be fixed before I left the Department.
652. Did you say that there was an alternative reservoir at the Coolacumpama lake? I mentioned that that was the original scheme; that that lake 5 miles north of Narrandera should be utilised.
653. Was that your first idea as to storage? Yes.
654. Have you put that out of your mind as being too expensive? It is too expensive to take water to it; I took Colonel Home there and he was very favourably impressed with it.
655. Did Colonel Home approve of the site of the Barren Jack dam? Yes.
656. Was that with a view to irrigate the south side of the river? That was the immediate object then.
657. Is that all set out in his report of 1897? Yes.
658. Did you speak of a map in Colonel Home's report about this scheme? Yes, it does not show the northern scheme, it only shows the other scheme. The northern scheme is not in it.
659. Did he consider the northern scheme at all? Only the old one which involved the use of Lake Coolacumpama.
660. Why was his attention primarily directed to the southern side? Because that project was in a much more advanced stage; all the particulars had been prepared by the Department.
661. Was there a project by the Department to irrigate the south side of the river, and did he report on that project? Yes.
662. Had the Department at that time proposed any scheme of irrigation for the north side? No; Colonel Home examined the northern side on account of its having been originally proposed, but it was not recommended.
663. Did you form any opinion about the south side and its capabilities for being irrigated from the reservoir which this dam will create? Yes; there is a large area that could be irrigated on the south side.
664. In your opinion, is it capable of irrigation? Much of it is, but I think, on the whole, there is better land on the north side for irrigation than there is on the south side.
665. Do you include in your qualifications as irrigation expert, the forming of an opinion as to the fitness of land for irrigation as well as the manner of irrigating? Yes.
666. Do you express the opinion as to the south side that it is capable of being irrigated from this reservoir? Yes; it could be very extensively irrigated, and to a considerably larger extent than on the north side.
667. If this dam be built up to 200 feet, is it possible and feasible to irrigate a large area on the southern side as well as on the northern side of the river and yet send a minimum of 500 cubic feet per second down the river? I believe it would be.
668. Carried up to what height? I have not gone fully into the question of dealing with all the schemes at once, but the impression which I received was, that with a dam 160 or 165 feet high canals on both sides could be provided for.
669. That is without going up to 200 feet? Yes.
670. What is the greatest height to which that dam could be carried? I am not certain; Mr. Wade could tell that better, because he has had a survey made up to the top of the hill.
671. To what height did you consider it with Colonel Home? At that time there was not a greater height contemplated than 130 feet.
672. When did the 200 feet suggestion first come up? That is a question which Mr. Wade can also answer best; it is a modern suggestion in the Department.
673. Would a dam 165 feet high irrigate an area on the south side equal to that on the north side? Yes; a greater area.
674. Did you say, that if, after constructing the dam to a height of 130 feet, it were continued another 25 feet, it would about double the storage? I find that that would not quite double the storage.

Witness—H. G. McKinney, 1 October, 1903.

675. To what height would you have to go to double the storage? From the recent surveys and calculations made in the Department, which Mr. Wade kindly allowed me to see, it would appear that from 30 to 35 feet would have to be added, that would be about 165 feet.

676. Would that double the quantity? Yes.

677. If by carrying the dam up to 130 feet you could supply, during normal seasons, 750 cubic feet per second to the north side, and 500 cubic feet per second for the river, would the construction of the dam up to 165 feet give you enough to supply the south side with 1,250 cubic feet per second? Yes, practically.

678. So that the margin between 130 feet and 200 feet allows ample for both sides of the river, and a larger minimum than you have mentioned to go down the river? Yes.

679. So that any suggestion that Mr. Gibson is proposing to monopolise the river is not borne out? Not at all.

680. If you are right in your figures, and this dam be carried up to a height of 165 feet, would it allow 750 cubic feet per second for the south side, the same for the north side, and double the quantity to go down the river? Yes, practically, it would; but the proposed supply of 500 cubic feet per second to go down the river is ample.

681. How do you propose to construct the weir to divert the water? I propose to have a movable shutter weir. Timber shutters were used at Bourke, but it might be advisable to use iron or steel. The weir would consist of a series of movable shutters right across the river; it would be hinged at the bottom and propped at the back.

682. Would there be any stone wall with a weir at the side as they have in England? No; during flood-time the weir would be dropped down to the bottom of the river.

683. What is the width of the river at that point? About 180 to 200 feet.

684. Would these opening and closing shutters go right across the river? Yes; and they would be held up in a sloping position. Mr. Wade has a working model of it.

685. Do you approve of that model? Yes.

686. The object of the weir is to divert the water? Yes.

687. And it can be closed from time to time or opened, as the case may be? Yes.

688. How will the respective measurements of water be ascertained with regard to what is to go down the river, and into the canals? There will have to be a sill put right across the river from one side to the other, on which the gates will be raised. That would form a good place for gauging; there will be a gauge to show the height in feet and inches. In the same way, there will have to be a gauge opposite the sluices which will divert the water into the canals.

689. The Bill proposes that you shall allow for the free flow of flood waters and the free passage of boats;—how is it proposed to do that? As a rule, when the weir would be up the river would not be navigable—that is, when it would be in an upright position, with the object of diverting the water into the canal; but supposing that a small boat did come up when the shutters were erect, the shutters could be dropped in a few minutes and the boat allowed to pass.

690. Is that an easy process? Yes; it could be done in a short time. The weir can be made to serve the purposes of navigation. A boat could go down when the river is too low to pass without a weir, because it could go down with the flood. It would give it a flying start and carry it on.

691. Would there be any danger in passing a boat through in that way? Not the slightest. The shutters are dropped one after the other.

692. Suppose a steamer had to pass, what would be the process? It would be just the same.

693. Would it pass over the shutters? When the river is open for navigation the shutters will be flat in the bed of the river; there will be no obstacle, and the water will flow over them.

694. How did you arrive at this as a practical and practicable scheme? After finding that the other scheme which I originally prepared for the north side of the Murrumbidgee was too expensive to carry out, the matter remained in abeyance until these reservoirs were surveyed in the upper part of the river. I refer to Barren Jack and the others. That was in 1896, about the time when Colonel Home was here. It occurred to me that the whole difficulty was solved, because we have plenty of storage for canals on both sides of the river, and there is no necessity to go above Narrandera with the head works. We could depend on the storage in the river. After I left the service I brought up the matter in conversation with Mr. Gibson.

695. Was that the first time you suggested it to him? Yes. That was early in 1901; but since I left the Government service the Public Works Department also took it up, and Mr. Wade prepared a scheme. He will be able to speak about that himself; but I understand the head of the canal is above Narrandera. At the same time, there is really only one good line for a canal below Narrandera for some distance. Without knowing where Mr. Wade's line was, I walked up there a good number of miles, and when I was trying to walk on what would be the best line for the canal, I repeatedly came on Mr. Wade's pegs.

696. What is the nature of the country about there, looked at from an engineering point of view, for a canal? As a whole, it is very favourable.

697. You know that Mr. Gibson's Bill proposes to pay one-third of the interest on the cost of putting the dam up to 130 feet, upon a scale which would admit of its being carried ultimately to 200 feet;—what is the difference in the cost of putting the dam up to 130 feet on that scale, and putting it up to 130 feet on a scale sufficient for 130 feet, provided that it was never to be carried up to 200 feet? It would be a difference of quite 50 per cent.

698. Do you estimate that we can put it up to 130 feet, upon a scale capable of carrying an upper storey of 70 feet, at a cost of £300,000? Yes.

699. Suppose that the top storey were never erected, and that 130 feet was to be the maximum, what do you estimate that the dam could be built for? I should say £200,000.

700. So that when Mr. Gibson offers to pay interest on one-third of £300,000, he is really offering to pay for half of the expenditure which will be necessary to build it up to 130 feet on a strong enough scale? Yes.

701. If he were paying interest on one-third of the cost of putting the dam up to 130 feet on a larger scale, would he be paying less or more than his equitable proportion of the benefits to be derived? If anything he would be paying more.

702. Would he be getting half of the whole benefit that the reservoir is capable of producing? I do not think so.

703. If Mr. Gibson, under the Bill, were allowed to build this on his own account up to 130 feet on the larger scale, would the difference between the larger and the smaller scale be of any use whatever to him for this northern scheme? No.
704. Would it be £100,000 needlessly spent, as far as the northern scheme is concerned? Yes.
705. Its only use would be in the event of the top storey being put on by and by, either by the Government or somebody else? Yes.
706. Has any estimate been made in the Department of the quantity of water that would be required to be supplied to the southern side of the river as compared with the Northern side? The scheme that Colonel Home approved of provided for diverting 1,000 cubic feet per second on the southern side.
707. Would there be any difficulty in providing that quantity for the southern side with 750 cubic feet per second for the northern side and 500 cubic feet per second for the river, if the dam were built up to 200 feet? I do not think so.
708. Or 165 feet? I have not gone into it fully, but I believe it would be ample.
709. Can you give any records of the quantity of water which passes down the river at different seasons of the year? Yes; I have the records as far as they are given in the report of the Inter-State Commission.
710. Will you generalise them? These records show that, with the exception of the year 1902, there has been no season on record in which the Murrumbidgee did not carry a large surplus supply in the spring months; that is, over and above what would be wanted for both canals. I refer to the months of August, September, October, and part of November.
711. What is the discharge of the river at different times? I have gauged the river myself at Wagga Wagga when the discharge was 24,000 or 25,000 cubic feet per second.
712. At what season? I think it was in the month of September.
713. For the twenty-four years ending 1892, what was the discharge? The discharge rose to over 20,000 cubic feet per second in fifteen of those years.
714. Is that the maximum discharge? Not by any means. What I meant to show was that within a great number of those years the quantity of water rose so high in the river that the reservoir would be filled in a few days. The floods occur in nearly every year.
715. During the last twenty-four years up to 1892, was there enough water in the river to fill that dam in a few days? Yes; sometimes it occurred two or three times in the year.
716. So that the filling of the dam is not a matter that would run the river dry for any length of time? Not at all.
717. How many years do you show in this diagram which you produce? From 1879 up to 1902.
718. Whenever it reaches the point which you have marked 20,000 feet per second, do you say that the dam would be filled in a few days? Yes; that was officially prepared for the Inter-state Commission.
719. Does that show that in almost every year the water rose to a height of 20,000 cubic feet per second? Yes; it is a matter of very frequent occurrence.
720. Have you any section of the canal which you want to show the Committee? I thought it would be sufficient to describe it, for this reason: that the canal may differ slightly when the official levels are marked out; because it is a matter to be determined yet as to what is the most advantageous depth of full supply.
721. Is there much difference of opinion amongst hydraulic engineers as to the size of the canals? Only a slight difference. If it is 7 feet depth of full supply, as it is very likely to be, the bottom width would be 38 feet, the side slopes are  $1\frac{1}{2}$  to 1; that would be 59 feet wide at the water's surface. That is a very common form; but it might be advantageous to have the depth of full supply  $7\frac{1}{2}$  or even 8 feet.
722. Does the batter depend upon the nature of the stuff? Yes; and the depth of full supply depends on the nature of the excavation.
723. Would the branches be of less dimensions? Yes; they would diminish as they went along.
724. Would the reticulating-channels be capable of extension just as in the case of water supplied to a community? Yes; the construction of distributories would go on as irrigation developed.
725. How much of the 750 cubic feet per second passing through the canals would you get for use after allowing for evaporation, soakage, and so on? I have allowed for a loss of 150 cubic feet per second in the main canal and main branches—that is, absorption, percolation, and evaporation.
726. What do you consider you could do with 600 cubic feet per second as far as acreage is concerned? Taking the quantity of water that would then remain, the area of land which it would cover to a depth of 1 foot, would be a little over 434,000 acres.
727. Is that once in a year? Yes, as the Americans say, that is the number of acre-feet which it represents.
728. Could you distribute that at the rate of 1 inch at a time, if required? Yes.
729. How does that 12 inches per annum per acre compare with the requirements which have been ascertained by practical irrigation? That is a matter which varies very much in different countries, and under different conditions. Sometimes one crop will do with a great deal less water than another, and in a different season a crop will want a great deal more water than it will want in another.
730. How does it compare with what has been ascertained to be the average requirements in Australia where people can have as much as they want? I know that in Victoria the water is used very extravagantly, and no proper record is kept; that is, under the different trusts.
731. Do not they charge according to the quantity supplied? Nominally they do; but really I believe they do not. In Mildura they charge according to acreage. They charge £1 per acre per annum for the use of the water for irrigation, and I believe there are some rates besides.
732. Do they grant water-rights, or sell water? The people imagined that they were getting water-rights with the land; that was disputed afterwards.
733. Is that quantity of 12 inches per annum per acre sufficient to enable people to cultivate according to irrigation requirements? Yes, for many crops it would be.
734. Would it be sufficient for what is called intense culture? After allowing for such losses as would take place, it would not.
735. So that, if you wanted to make a fortune out of an acre of strawberries, that would not be enough? No.
736. You have heard of the case where Mr. McCaughey was supposed to have fed 2,400 sheep on 20 acres of sorghum for six weeks;—is that intense culture? Yes.
737. Could that be done with 12 inches? No.

Witness—H. G. McKinney, 1 October, 1903.

738. What would that require? The 12 inches I referred to is what you might term the theoretical amount you give to the grower; in reality, you would have to allow largely for loss. You would not get 12 inches as the actual quantity of water. I should say that a crop such as Mr. McCaughey spoke of would require a depth of 15 or 16 inches of water; but that would be the actual quantity that it would receive.

739. But, if you put 12 inches of water on the land, it would receive that quantity? Yes; but if the arrangements for distribution are not good, the greater part of it might not reach the crop to be irrigated.

740. In estimating that would irrigate 434,000 acres upon a 12-inch scale, that is not for intense culture but really for grazing purposes? Yes; it would flood that area for grass purposes, but that number of acre feet is the theoretical number.

741. *Chairman.*] In estimating what could be done with 12 inches of water under your scheme, do you allow for natural rainfall as well? With the average rainfall in the district, the 12 inches of water supplied would be sufficient for crops and cereals.

742. *Mr. Bruce Smith.*] Do I understand rightly that what you call intense culture requires a larger supply of water than ordinary irrigation? Yes.

743. Do I understand you to say that 12 inches would be sufficient to flood grass land or to grow some crops not of the intense kind in an average season? Yes.

744. Take lucerne, does that sometimes produce six crops a year? Yes.

745. Is that intense culture? I am not sure whether it is classed as intense culture, but I know it requires a large quantity of water, much larger than grass. It would be intense culture in that district. With regard to the question raised by the Chairman, I do not know whether I made it quite clear that 12 inches would be ample.

746. *Chairman.*] Would not 12 inches which is proposed to be given be sufficient in addition to the average rainfall to provide for intense culture? It would be sufficient for cereals.

747. *Mr. Ferguson.*] The 12 inches of water which you propose to give for irrigation, plus the rainfall in average seasons would be sufficient for grass country and certain crops? Yes.

748. If a man wanted anything more, would he have to pay for it? Yes.

749. *Mr. Bruce Smith.*] Would the qualifications of an irrigation expert include a knowledge of the character of soil and its capabilities as well as the mere supply of water? Only to a certain extent. I am not an agricultural expert.

750. Will you serve 434,000 acres with 12 inches of water to enable irrigation to be carried out in any line which that amount of water with the normal rainfall will be sufficient for? Yes.

751. What effect would a good rainfall have upon this irrigation scheme? It would lessen the demand for water.

752. Therefore, its commercial success will rise or fall according to the seasons? Yes.

753. Supposing that this seven-years' drought was now to be followed by seven very wet years, would that very much diminish the demand for water under this scheme? Yes.

754. Would it interfere with its commercial value? Yes.

755. What is your opinion of the value of that land for agricultural purposes given this supply of water? It is excellent land for irrigation.

756. How do you think the north side of the river compares with the south side for irrigation? I think there is a much greater proportion of good land for irrigation on the north side than there is on the south side.

757. With regard to irrigation in India, is the rainfall four or five times what it is here? It varies very much.

758. Do they supply water there by the inch for irrigation? No; it is supplied according to the area of land and the nature of the crop.

759. What quantity per acre is supplied there? They tried an experiment in a dry season on the canal that I was first connected with—that is the Baree Doab Canal,—to determine what quantity would satisfactorily irrigate wheat in a season when there was no rainfall. They found that with a watering of 4 inches before the crop was sown, to enable the people to plough, three waterings of 3 inches afterwards, were ample to bring the crop through. That was 13 inches without any rainfall.

760. Was that for one crop only? Yes; not for one year.

761. Would there be two crops in a year? Yes.

762. Supposing there was no rain, you would want 26 inches per year? Yes.

763. What is the maximum and minimum rainfall there? In southern Scinde, it goes down to 4 or 6 inches in a year. The greatest rainfall in the world is at a place north of the Bay of Bengal, where the maximum is over 600 inches in a year.

764. What is the rainfall in that district where you say 13 inches were used for a crop? Twenty-five or 26 inches in a year; but that particular experiment was made in a dry time. The only value of that was to ascertain what was the least quantity that would bring out a crop in a case where there was no rain at all.

765. During the three spring months of the year, what area would your canal irrigate? The quantity of water would be sufficient to cover 108,500 acres to a depth of 12 inches.

766. You could repeat that in the three summer months? Yes.

767. Do you anticipate that lucerne will be grown there? Yes, I think it would be pretty largely grown.

768. In that case, would it very much affect the acreage? Yes.

769. What data have you upon which to base the loss of water? I take the proportion in this case as being about the same as on the Nira canal in India.

770. Are the circumstances sufficiently parallel? The country there is drier and hotter than the country here, so I consider that in adopting that I should be within the mark.

771. At what time of the year would the 12 inches of water be taken? The greatest demand would undoubtedly be in the spring and summer months, but in the winter months, if the season were dry, there would be a demand for water for flooding grass land.

772. How would that be done? By channels; but it could be done much more cheaply than the irrigation of crops.

773. Are any grass lands largely operated upon now by canvas hosing in America? Yes, but I think that has been used more for fruit trees.

774. How would this be done? Simply by making distributory channels and opening them at intervals to allow the water to flow on both sides.

775. Do you anticipate that would be done for grazing land? Yes.

776. On a large scale for hundreds of thousands of acres? In some cases there would be a large demand; there would have been a great demand this year if the scheme had been in existence.

777. Do you think that would be done in winter? Yes; there is a common impression that if the land gets a very good flooding in winter, even if the rain be scanty in the spring, there will be good growth of grass.

778. Is there a provision in the Bill that, with the consent of the Secretary for Public Works, there may be a further supply beyond the 750 cubic feet per second, and what does that mean? It would be advisable in the winter time, when the supply in the river is abundant, to utilise the capacity of the canal to the very utmost, because there is no doubt that sometimes, in winter, a great service could be done by watering large areas of grass land.

779. Is it anticipated that at that time it would be no detriment to anybody to utilise the water, as the river would be running full? Yes.

780. How do the prices proposed to be charged for water in this Bill compare with the prices charged under similar circumstances in other parts of Australia? In the case of Mildura, the rate charged for water is equivalent to giving 21,553 gallons for 1s. I am under the impression that there are rates charged also, in addition.

781. What is the maximum charge in this Bill? One shilling for 24,000 gallons.

782. Is it likely that that will be charged, or will it be reduced? It will very seldom amount to that charge; it will have to be very materially reduced, partly in the winter time, for grass flooding, and so on. The maximum charge will be required for a number of crops which require special care, and where there will be a considerable amount of trouble with small areas.

783. What is the price charged by the Hay Irrigation Trust? It is about the rate of 1s. for about 30,000 gallons.

784. Is that the only charge made by the Trust? No, there is a charge made as rent for the land. That is a charge that in a large measure is due to the water supply.

785. What do they charge in Victoria? One shilling for about 45,000 gallons. But in addition they have as a rule a rate of 2s. in the £ for the whole Trust district, that is, like a municipal rate.

786. What is that equivalent to on the water? I made it out approximately. It appeared to me that the total charge for the rates and the water charge together would amount to very nearly as much as our maximum charge for the water.

787. So that the mere rate at which the water is charged under these trusts is no criterion? No.

788. Why is there such a difference in the price charged in your Bill for irrigation, and the price charged for domestic use and cattle? The reason is that what is charged for at a high rate will be a very small item which will give a large amount of trouble in the supply. Comparatively it will be a very small item, and the proportion of trouble will be infinitely greater than irrigation.

789. How does it compare with the charges made by country municipal water supplies? It is the same as the charge usually made by municipal councils.

790. In some articles that appeared lately "On the Land," there were some statements that a leading American authority had condemned irrigation by private enterprise;—have you seen that statement? Yes; the authority referred to was Mr. Elwood Mead.

791. Is that a well-known name? Yes; he is a recognised authority in America.

792. Is it a fact that Mr. Mead has in his publications condemned private enterprise in the Western states of America? No.

793. How does he treat it? He speaks of the abuses which arise from the Government neglecting to take gaugings of the river; but in regard to private enterprise as a whole he speaks in the highest terms of the great services rendered by the canals. I have his book, and will show it to the Committee.

794. A statement has been made in the press that Mr. Mead has condemned irrigation by private enterprise in America? Yes.

795. Do you say that that is not so? Not only so, but he has actually recommended that the construction of large irrigation reservoirs by private enterprise should be encouraged as well as canals.

796. Has Mr. Deakin written a work on "Irrigated India"? Yes.

797. Apart from its eloquence is it a valuable practical treatise on Indian irrigation? Yes, it is an excellent popular account.

798. What does he say about private enterprise with regard to irrigation? I will bring his book. He refers more to private enterprise in his book on Western America, and he refers to Government construction and management in his book on "Irrigated India." In the latter book he states that the construction and management of irrigation canals in India by Government is a great success, and he remarks that the advantages of a despotic government are shown there where the irrigation officers are entirely untrammelled in their choice of the best positions for canals, the best schemes to adopt, and the modes of management. He remarks that if they were to adopt the same course in the Australian colonies they would soon find themselves in difficulties.

799. *Mr. Ferguson.*] Does he suggest why they would find difficulties? He says that they would be confronted at every turn with claims and troubles about injuries or supposed injuries done by the schemes.

800. *Mr. Bruce Smith.*] With regard to irrigation schemes in America, are they carried out largely by private or government enterprise? Wholly by private enterprise.

801. Is any irrigation work done there by the Government? The only interference I have heard of has come recently in the form of proposals that in cases where private enterprise cannot carry out irrigation works the Government should construct the reservoirs with a view to the development of the state lands.

802. Is there anything further that you would like to say? There is a matter that I would have liked to have mentioned—that is the total quantity of water which is being applied for from the Murrumbidgee. That is 750 cubic feet per second. Supposing that a canal carrying that quantity were constructed on the north side, and another canal to carry 1,000 cubic feet per second on the other side, the Murrumbidgee would not be nearly so heavily taxed as the Goulburn River is in Victoria.

803. Has that a bearing on intercolonial contention? I refer to that in view of the possible raising of the question as to the quantity of water that might be taken. What I wish to point out is, that supposing both of those canals were carried out we would be much more moderate in our demands on the river than the people in Victoria are in their demands on the Goulburn River.

804.

Witness—H. G. McKinney, 1 October, 1903.

804. Is there any holding of their hand in Victoria? Not at all. They have a main canal which is partly constructed from the Goulburn which will carry over 1,700 cubic feet per second or 102,000 cubic feet per minute. That is nearly as much as the two proposed canals from the Murrumbidgee.
805. Whatever water Victoria is contributing to the Murray, or would contribute if not dealt with, the whole of that is being used by Victoria? The whole of the tributaries west of Corowa. They still have the mountain tributaries going into the Murray.
806. In watching the history of irrigation in Victoria, have you observed any hesitation with regard to intercolonial rights? Not the slightest.
807. Have they gone straight ahead and got all they could? Whenever they wanted water they took it.
808. In connection with the Goulburn River, what precaution is taken to secure a fair supply for the people down the river? There is none. There is no guarantee. They allow enough to pass by for domestic and stock purposes for the people on the banks; but that is all.
809. *Mr. Ferguson.*] Are they compelled to let a certain amount flow. No; the Government constructed a large weir across the river.
810. *Mr. Bruce Smith.*] Were those all Government schemes? Yes.
811. Were they Mr. Deakin's offspring. They were started in his time when he was Chief Secretary.
812. Have they since written off about £2,000,000? Taking principal and interest it is not far short of £2,000,000.
813. *Chairman.*] Mr. Bruce Smith asked you about the Goulburn canal now in course of construction in Victoria;—do you mean to say that the amount of water which it is proposed to take by that canal is almost equivalent in volume to that which will be taken from the Murrumbidgee, if both the north and south sides of the river are irrigated? Yes; very nearly.
814. In the Victorian scheme is there no guarantee of any minimum flow down the river below the off-take? No.
815. You were asked a question bearing on that, in reply to which you said that you proposed to take from the Murrumbidgee a certain amount of water for your scheme;—do you not assume all along that you will only utilise the waste water from the river? Yes; in fact what we will utilise is only a small portion of what goes to waste.
816. Do you mean to say that if this scheme comes into operation, the normal flow of the water will not be affected? The normal flow will be very beneficially affected in times of drought, because the flow will be materially increased. Beyond that the conditions of the river will not be perceptibly altered.

FRIDAY, 2 OCTOBER, 1903.

Present:—

MR. AFFLECK,  
MR. BYRNE,

MR. ASHTON,  
MR. FERGUSON.

G. S. BRINER, ESQ., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Mr. Nathan appeared for the Scottish-Australian Mining Company.

Hugh Giffen McKinney, recalled and further examined:—

817. *Mr. Bruce Smith.*] You referred yesterday to some expressions of opinion by Mr. Deakin in his book, "Irrigated India," which were deductions from the data which he collected in India? Yes. The book is called "Irrigated India: An Australian view of India and Ceylon, their Irrigation and Agriculture." I will read the following passage:—

Government initiates, designs, and executes the work, offering the Indian ryot the water if he likes to take it, and relying only on his self interest to induce him to become a purchaser. In the Punjab, a system of compulsory labour prevails, and in Ceylon the sanction of the natives concerned is required before the Government advances are made; but in each case this has regard to minor works in which the State is little more than a sleeping partner. Upon all major schemes the Government acts of its own notion, at its own responsibility, and acknowledges no title in those who use the water to criticise its proposal. In an equally peremptory way it ignores riparian rights, or makes but small compensation for actual injury done or land taken; not that this involves injustice, because the tenure of the land is less absolute and the property affected far less valuable than in Australia. The advantages of a despotic rule are exhibited in such cases as these, where the officers of the department are perfectly free to choose the best scheme possible, and to execute it without regard to the individual wishes or interests of their constituents. In the Colonies these would be forced upon their attention at every step, and they would have to pay dearly for any encroachment or imaginary encroachment upon them.

At page 229 he gives the following quotation:—

"The great secret in canal, as indeed in Indian, administration," says an irrigation manual, "is personal government. With Government officers sympathising and in contact with the people, while at the same time resolved on seeing justice done to the Government which employs them, almost any system can be worked successfully."

818. Is this the interpretation which you put on these passages, that India is hardly a criterion as to methods, because, as Mr. Deakin says, any scheme will succeed there by reason of the despotic power which the Government has, that no compensation is given to persons injured, and that nobody has to be consulted? Yes; that is practically the case.

819. Do you produce a work written by Mr. Elwood Mead, entitled "Irrigation Institutions: a discussion of the economic and legal questions created by the growth of irrigated agriculture in the west," which was published in 1903? Yes; this is the book which was referred to in articles "On the Land" in the *Sydney Morning Herald*, as showing that Mr. Mead was against private enterprise in irrigation.

820. Do you contend that that article misrepresented the trend of the theory in this book? Yes, certainly. The article represented that Mr. Mead was a high authority who was opposed to irrigation by private enterprise.

821. You admit that he is a high authority, but you say that he is not opposed to private enterprise? Yes; he is a high official of the United States Government. He says, at page 67:—

The investment of corporate capital in canals to distribute and control water used in irrigation began in California, but spread rapidly throughout the west. For a quarter of a century it has been the leading factor in promoting the agricultural growth of the western two-fifths of the United States. It has been the agency through which millions of dollars

dollars have been raised and expended, thousands of miles of canals constructed, and hundreds of thousands of acres of land reclaimed. It has been the chief agency in replacing temporary wooden structures by massive head works of steel and masonry, and by the employment of the best engineering talent, and the introduction of better methods of construction has promoted the economy and success with which water is now distributed and used.

After going into the whole question of the construction of reservoirs by private enterprise, this is the conclusion he comes to, at page 356 :—

Many important reservoirs have been built by private capital. One of the largest in the west was completed in Wyoming in 1901. In the two years ending December 1, 1900, the state engineer of Colorado issued permits for the construction of 147 storage works, and the state engineer of Wyoming issued 77 of these permits. A private reservoir on the Pecos River in New Mexico covers 8,000 acres. The benefits derived by farmers can scarcely be appreciated by the outside world. Where they are located so as not to menace the lives or property of people living below them, or do not interfere with the natural flow of streams there does not seem to be any reason why this form of private enterprise should not be encouraged, or why it may not accomplish great results without governmental aid.

822. Did you lately deliver an address on irrigation? Yes; it was on the construction of large works by private enterprise.

823. Do you entertain the same opinions to-day that you expressed in this paper? Yes; it was the annual address delivered at the meeting of the Engineering Section of the Royal Society on May 21st, 1902. This is one passage from that address :—

Coming now to the irrigation works of the United States, we find a record, like that of the railways, of almost unparalleled progress, in which the Government has drawn the benefits arising from increase of settlement, production, and wealth, while it has incurred no outlay and no risk.

824. Did Mr. Deakin write another work on irrigation? Yes; he wrote a report on irrigation in Western America.

825. Did he visit the Western States of America prior to the carrying out of the water trusts in Victoria? Yes. His report was published as a Government blue book. The following is a passage from his report :—

All the irrigation works of Western America, with the exceptions abovenamed have been constructed and maintained wholly and solely by private persons. Not only has the Government spent nothing upon them, but it has known nothing of them.

In my address I go on to say :

This report was presented by Mr. Deakin in June, 1885, and since then the same system has been followed with the same vigour. In 1893 an international irrigation congress was held at Los Angeles, in California, and representatives from all the States in which irrigation is practised were present. The case was very clearly put by one of the representatives of Kansas, as follows : Let it be understood, however, that no friend of the Great Plains country, who is conversant with the situation, either asks or expects the National Government to construct the irrigation systems necessary to the reclamation of the semi-arid land. All that we ask of the Government is such legislation as is necessary, and a very moderate amount of experimenting and demonstration.

826. *Mr. Nathan.*] Do you know the property belonging to the Scottish Australian Mining Company on the northern side of the Yass River? Yes; I know the position.

827. It consists of about 400 acres? Yes.

828. Have you been over that land? No; I have simply examined its position on the map, and examined the Government levels in connection with it.

829. If the Barren Jack dam is constructed to a height of 130 feet, will that have the effect of throwing the water back on that property? The information about that is not quite complete, but the levels show that there will be a depth of about 15 feet of water held back in the river at that place by a dam 130 feet high. So far as I can judge from the levels, I should say that out of that 400 acres, there will not be more than 2 or 3 acres, or perhaps a little more, which will be touched by the water. It will simply be a little fringe on the frontage.

830. Is that when the waters are dammed back on ordinary occasions? Yes.

831. If heavy rain comes down, will not the greater portion of the property be flooded? I do not think so, because if heavy rains come the water will spread over an area of about 4,000 acres. It would take a very heavy flood to make a rise of a few inches in the reservoir.

832. Suppose the dam is raised to a height of 165 feet, will not that have the effect of throwing a larger body of water on to this property? Yes, undoubtedly.

833. Can you say, of your own knowledge, to what extent that area will be flooded? I cannot, because the survey was made after my time. Mr. Wade might be able to tell you.

834. Did you make the calculation as to the cost of this dam being £300,000? Yes.

835. When calculating the cost, did you take into consideration that this was a mining property? I did not.

836. Do you know the Woolgarlo Creek, which runs down to the Yass River? Yes.

837. If this dam is constructed to a height of 130 feet, would the water thrown back in times of heavy rain have the effect of preventing the waters of the Woolgarlo Creek from running into the Yass River? Only to a limited extent.

838. Supposing the water of Woolgarlo Creek is kept back, and does not run down to the Yass River, can you say to what extent that will flood this mining property? No; I have not sufficient information.

839. Do you know that near the junction of the Yass River and Woolgarlo Creek there is a ford at present which is used by people who want to pass through the Company's property and go to Yass? I have been told that that was the case.

840. If the dam were constructed, and the water backed up, would it not be necessary to have a bridge erected over the river where that ford is? Yes; if there is any traffic which would be inconvenienced, that would have to be done.

841. What objection have you to put words in the Bill that all bridges should be maintained by the promoter? It would be very unusual to have a private bridge maintained on a public road. I have not heard of such a thing in this country where a bridge is to be built by a private individual or a company, and that that bridge should remain under the control of a private individual or company, as would be the case if they were charged with its maintenance.

842. *Mr. Ashton.*] Would you have authority to consent to the introduction of such a provision in the Bill, or could that only be done by Mr. Gibson? I have no authority to do such a thing. Being a public road, I do not think that such a question would ever arise. The general rule is, that when a work of that kind is constructed by a private individual, it is made over to the Government and it remains the property of the Government. 843.

Witness—H. G. McKinney, 2 October, 1903.

843. *Mr. Nathan.*] Would not that throw upon us the trouble of worrying the local Member to see that the bridge is kept in order? I do not think there would be any trouble about that. I am sure the local Member would see that it was always kept in order.
844. Do you know that this property is said to be a copper-mine? Yes; I do not know it personally.
845. In clause 3, sub-clause 5, of the Bill, you ask for power to enter upon private lands, "and to repair, alter, cut off, or remove the same, and to take therefrom any earth, stone, gravel, sand, timber, or any other material found thereon or thereunder";—what do you mean by the word "thereunder"? That refers to taking stone, sand, or anything of that kind.
846. You might take flux;—have you any objection to these words being left out, "or thereunder"? It might cause inconvenience to have these words omitted, because it might be necessary to do a certain amount of stripping to get the material required.
847. *Mr. Affleck.*] Do you know where the Taemas Bridge is? Yes.
848. How many miles is it above the dam? As far as my recollection serves me, going by the river, it is something like 25 or 30 miles.
849. Have you been up the river? Only to the basin near the junction of the Goodradigbee and Yass Rivers.
850. Will this dam throw the water back to the Taemas Bridge? Yes; a dam 130 feet high will just take it as far as that bridge.
851. Have you seen the land along the banks of the river there? Only the lower part, where the wide area would be covered.
852. Have you any idea what quantity of land will be submerged? Yes, from the map. It is a little over 4,000 acres with a dam 130 feet high.
853. Would it only be that area if the land were flat? There is not much flat land which will come below that level.
854. Do you mean that 4,000 acres will be submerged between Barren Jack and Temas Bridge? Yes.
855. What is the value of that land? I can only say approximately; there is very little of it high class land. I saw some of the land under cultivation, near the junction of the Murrumbidgee and Goodradigbee Rivers. That is good alluvial soil; but that is almost the only patch of alluvial soil, as far as I could see from the map and the surveyor's report, which would be submerged by a dam of that height.
856. How much land would be submerged on the Goodradigbee River? Only a small area.
857. How far would it throw the water back on that river? Speaking from memory, I should say 12 or 14 miles. The fall is much greater in that river than in the Murrumbidgee about there. With a dam 200 feet high, the greatest width would not be more than a quarter of a mile.
858. *Mr. Bruce Smith.*] Does this Government map, which is produced, represent the state of things which would exist if the dam were built? Yes, up to 200 feet high.
859. *Mr. Affleck.*] How far back would it throw the water on the Goodradigbee? Not more than 10 or 12 miles. When it would get to 5 or 6 miles, the submerged portion would be within the river channel.
860. How far will it throw the water back in the Yass River? I am not quite certain. This plan is defective with regard to the Yass River. The more recent work has been done under Mr. Wade's direction, that is, the work between 125 feet and 200 feet. Mr. Wade can give that evidence more completely, because the levels I had taken were only for a dam 125 feet high. Mr. Wade has had the levels taken from 125 feet up to 200 feet. On the Yass River, with a dam 135 feet high, the water is practically confined within the river banks. It is only a narrow strip here and there which is covered on the Yass River—perhaps half a chain wide, or at most a chain—and that is only in a very few places.
861. *Chairman.*] Have you any map or plan which would show the Committee the proposed dam and the length of river which would be affected by the backing up of the water and the width of country which would be affected? I have no plan that would show it so completely as this Government map. When I found it was publicly stated that the Government intended to construct the dam, I did not proceed with the preparation of a complete plan to show the reservoir. I depended on the Government officers to produce their plan.
862. Is the Government plan the most complete plan which has been prepared? Yes.
863. Can you say, of your own knowledge, what length of the river above the proposed dam will be affected by the backed-up water? Only from the plans which have been prepared in the Government offices. It would be better on that account to have the information from Mr. Wade. I can only speak from knowledge obtained from the plans.
864. Have you made any personal survey or examination of this country? No; I only examined the site of the dam and the place where the largest area of land would be submerged.
865. Did you say that the construction of the dam would not interfere with the ordinary flow of the river while the dam was in course of construction? Yes; I said there would be no perceptible interference.
866. Do you say that any fear of robbing people below the proposed dam of any quantity of water, or the whole of it, while the dam is being constructed, is groundless? Yes.
867. *Mr. Affleck.*] Even in a dry season, have you ever known the Goodradigbee River to stop running? I have too few records of it to say definitely.
868. *Mr. Bruce Smith.*] Am I right in supposing that no engineering opinion can be expressed as to any of the effects of damming the river without taking extensive surveys? Yes.
869. The surveys would be the data, and the engineer, on that data, would form certain conclusions? Yes.
870. With regard to some of the data upon which you base your opinions, did you collect them yourself when you were in the Government service? Yes; the survey of this site, up to a level of 125 feet, was made under my direction.
871. With regard to the surveys necessary as data upon which to base an engineering opinion, did you take part in them up to that point? Yes.
872. So that, with regard to that, the opinions you have expressed are based upon data collected by yourself? Yes.
873. With regard to the effect of carrying this dam up to 200 feet, you know that the Government have employed surveyors to make extensive surveys to ascertain the further encroachment resulting from that higher level? Yes.
874. Knowing that these plans are in existence, and that these surveys are all reported in the Department you have not duplicated all that work by doing it yourself? No; it did not appear to me to be necessary.



- 875. Have you had any difficulty in getting access to all those plans and information in the Department? No.
- 876. Therefore, your opinions are based in the one case on your own surveys, and in the other case on the Government surveys? Yes.
- 877. Mr. Nathan asked you what effect would be produced upon this mining property by a dam 130 feet high;—do I understand that that narrow encroachment of about 3 acres is shown in the Department? There are levels simply taken in the river and along the banks.
- 878. Are those levels in the Department? Yes.
- 879. When you told Mr. Nathan just now that, from the figures you had seen in the Department, the property of 400 acres would only be encroached upon to the extent of 3 or 4 acres, is that a conclusion arrived at by you without seeing the place? Yes.
- 880. But based upon data collected in the Department? Yes.
- 881. Suppose you took the surveys yourself, and they were no better than those taken by the Department, would your opinion be any better than the opinion of the Department? Certainly not, unless I made the surveys more completely.
- 882. Would you offer a theoretical opinion if it were not based upon practical surveys? Certainly not.
- 883. Have you given your own personal opinion based on Government surveys? Yes.
- 884. Did a leading engineer, like Sir John Fowler, ever make surveys himself? No.
- 885. Would he go out into the field with a theodolite? No.
- 886. Is that work done by practised surveyors, and are the figures then handed to the engineer, who makes deductions from the data supplied to him? Yes.
- 887. Did you do that when you were in the Government service? I made an inspection of the levels that were taken.
- 888. Did Colonel Home do the same thing? Yes.
- 889. Did he make surveys? Certainly not.
- 890. Are they totally different occupations—the engineer expressing opinions and the surveyor using a theodolite? Yes; one is a branch of the other.

Allen Lakeman, sworn and examined:—

- 891. *Mr. Bruce Smith.*] Do you know the district in which this scheme is proposed to be carried out? Yes.
- 892. How long? About thirty-three years.
- 893. In what capacity have you known it? First as a storekeeper at Hay for about fourteen years. That was between the end of 1870 until 1884 or 1885.
- 894. In what other capacity have you known it? As a land agent carrying on business at Hay since the end of 1884. I have carried on that business until the present time. During the period of thirty-three years that I have been in the district, I lived for a part of the time in Sydney, but I often visited the district.
- 895. During those years, has your occupation necessitated your becoming acquainted with the country? Yes.
- 896. Have you been able to form any opinion regarding the character of the land? Yes.
- 897. What is the nature of the country proposed to be operated on in northern Murrumbidgee? Most of the country that the canal would go through would be agricultural country. When you get near Hay I do not consider that it is agricultural land. Where the canal is to run it is a red loamy soil.
- 898. What do you consider is its carrying capacity for sheep? Of late years, practically, the red soil has carried nothing. My estimate of the Hay district, taking the whole of it, would be 4½ to 5½ acres to a sheep. That applies to all the country between Narrandera and Hay practically. That is more than is proposed to be operated on.
- 899. What has been its history with regard to agriculture during the last few years? It has been practically a failure. When the farmers started around Gunbar they were fairly successful from about 1886 up to 1894. They had fair seasons and good crops; but the crops have been practically a failure since 1894.
- 900. Has the population decreased? Yes, wonderfully, and it is decreasing every day. People are trying to get away.
- 901. What has been the history of grazing? Of late years it has been most disastrous all round the Hay district. The graziers have practically all become insolvent.
- 902. Do you consider the country suitable for irrigation? Yes. Within 50 miles of Hay the country would all be suitable for irrigation.
- 903. Have you had any experience of irrigation? Not practical experience; but I have seen the irrigation colonies.
- 904. Do you know the one at Hay? Yes; I do not consider the land at Hay is suitable for irrigation where the colony is.
- 905. Do you think the land proposed to be operated on under this Bill is better fitted for irrigation? Yes, further east and north than Hay I think it is eminently suited for irrigation. I have seen the Mildura irrigation colony.
- 906. What do you consider would be the effect of irrigation in the country proposed to be operated upon under this Bill? It would make it very profitable.
- 907. Are you sufficiently experienced to distinguish between what is called intense culture and ordinary irrigation for crops? What I have seen with reference to irrigation has been nothing but intense culture.
- 908. Do you refer to lucerne, sorghum, and crops of that kind? Not so much those crops as fruit.
- 909. If something of this kind is not done what do you think are the prospects of the district? I think it will be depopulated if something is not done in the shape of water conservation. It is the only saviour of that part of the country.
- 910. Have you held these opinions for a long time? Yes.
- 911. How do you account for the irrigation colony at Hay not having produced better results? The land is not suitable, and the expense of pumping is too great. That falls upon the cultivator ultimately.
- 912. How do you distinguish the land operated upon in the Hay colony and that proposed to be operated upon by this scheme? I call the land at Hay a stiff clay soil, and the land proposed to be operated upon under this scheme is nice loamy red soil.

Witness—A. Lakoman, 2 October, 1903.

913. As a land agent for some years, have you had to make valuations in this district? Yes; a good many.
914. Have you had properties put in your hands for sale? Yes.
915. Are there more for sale of late years than before? Yes; a great many more. I should say there is hardly a man in the Hay district who would not sell.
916. Are they asking high prices, or are they willing to sell at low prices? They are willing to sell at low prices.
917. Do you entertain any hopeful views of the future, unless something is done? No.
918. Do you consider that this venture would be successful commercially? I certainly should not like to go into it if I had the money.
919. Do you consider that it is such a fat thing that people would rush into it? No.
920. Do you think the Government would make a success of such a scheme? The Government would be in a different position. They would put people there. There is no doubt that such a scheme would bring population; and, indirectly, it might pay the Government.
921. And they would be able to remit water rates? I do not know, but there are indirect benefits which would be derived by the Government, and that would not be the case with a private company.
922. Do you think the Government would make a profit out of the scheme itself? Certainly not.
923. What opinion have you formed with regard to the character of the southern side of the river for irrigation? On the southern side I think the soil is more suitable near Hay than it would be on the north side. The irrigation area would go nearer to Hay on the south side.
924. Is there a large area on the south side capable of irrigation if this scheme is successful? Yes.
925. Were you the representative of this district in Parliament for some years? Yes.
926. In that capacity had you to make yourself acquainted with the character of the whole district? Yes, and the electorate was very much larger then than at present.
927. *Chairman.*] Do you think that any irrigation work can be carried on successfully where the water has to be pumped? That depends upon circumstances. My contention is that Mildura has been a success under a pumping system, and it ought to be a much greater success if the water were supplied by gravitation. The expense of pumping at Hay is enormous. Firewood for the boilers is very dear, and that really eats away all the profits.
928. *Mr. Affleck.*] Do you consider that it would not pay the Government to undertake this scheme? My opinion is that the scheme itself would not pay. I think it is a work that the Government ought to carry out because the indirect benefits to the Government would more than compensate for any money lost.
929. Do you not think the improvement in the value of the land would make it a payable concern for the Government in view of the increased rents which they would derive? I do not think it would pay financially.
930. Either by increasing the value of the land or in any other way? Increase in the value of the land usually goes into the pockets of the private holders.
931. Will that be the case with Crown lands? This scheme will go through a lot of purchased land.
932. How much private land is there compared with Crown land where the scheme will go? For the first 30 miles it will go through private land, then you will get on to a lot of Government land. I should imagine there is more private land than public land, but I have not gone into the figures.
933. *Chairman.*] Do you base your answers to Mr. Affleck on the provisions of this Bill? As far as our experience goes, I do not think irrigation has paid any Government. The only one which has done it is the Victorian Government, and they have sustained a loss.
934. Does not the financial result of any scheme of this kind depend upon the charges which can be made and the returns which are obtained from any land affected? I do not think you could charge enough for the water to make it pay. I do not think the Government could.
935. From your personal knowledge of that district and your experience of irrigation schemes, do you think that an irrigation scheme such as is outlined in this bill would not pay under any conditions? Not directly. I say it would pay the Government to carry out the work, because there would be such an increase in population, but it would not pay directly. The increase in population and production would benefit the Government so largely that they could afford to stand any money loss which might be incurred.
936. Do you think that if the Government undertook this work they would be able to collect sufficient money as a return to pay interest on the cost of construction and working expenses on the whole of the works? My own impression is that you could not.
937. You said just now that the increase of population and production would give the Government an indirect benefit;—assuming that, how can you still say that the Government would not be able to pay interest on the cost and working expenses? My own opinion is that directly the Government would not be able to collect enough money to pay interest and working expenses, but I repeat that the indirect benefits to be derived by the Government should induce them to carry out the work.
938. Are you of opinion that under this Bill it will not pay any company? Yes.
939. Would you put money into it yourself? No.
940. Have you gone through the Bill? Yes.
941. What is your general opinion of the Bill as affecting the public interest? I think the Bill is more than fair to the public.
942. Do you think that the Bill generally contains sufficient provisions to safeguard the public interests? There should be a provision giving the Government power to resume. There should also be a limited time for starting the work.
943. With a few amendments of that kind, do you think the Bill is one which the Committee might recommend to Parliament for acceptance? I would have no hesitation in doing so. I think it would do an immense amount of good to the district.
944. *Mr. Ashton.*] Would it bring a lot of people there? Yes; it would increase the population immensely.
945. *Chairman.*] Is the district naturally a rich one? The soil is rich.
946. In spite of that, you say the district is being depopulated? Yes; on account of the want of water.
947. With a fair system of water conservation and irrigation, as proposed here, do you say it would carry a large population? Yes.
948. Would it be a good district for closer settlement? Yes; the land would grow anything if it had water.

949. What effect would this dam have upon people living below the off-take? I think it would be rather a benefit to the people below. In the first place, once the dam is filled the flood-waters will escape just as they do now, and it would ensure in the summer a better supply than we have now got.
950. *Mr. Shand.*] From 1886 to 1894 were the seasons fairly good? Yes.
951. What sort of crops did they have? In the Gunbar district, where this irrigation would be carried out, the crops were principally wheat.
952. What was the average yield? Twenty-four bushels.
953. If this scheme had been in existence, do you think there would have been any extensive use of water during the years you have mentioned? Yes.
954. Have you considered how much the land would be appreciated after the canal is made? I have never gone into the figures, but the appreciation would be large.
955. *Mr. Bruce Smith.*] Do you know something of the Victorian irrigation? Yes.
956. Do you know anything about the extent to which irrigation has been successful there, for instance, in the Goulburn Valley? I know, personally, that the land there is now bringing from £10 to £12 an acre. On the eastern side, where there are no canals, it is bringing about £2 10s. to £3 an acre.
957. How much has been occupied under irrigation? I should think there are more than 10,000 acres.
958. Although you think there would be appreciation, can you express an opinion as to how much? No.

Walter Preedy, sworn and examined:—

959. *Mr. Bruce Smith.*] Are you an officer in the Government Statistician's Office? Yes.
960. Have you been in any other Department of the Government? Yes; I was in the Agricultural Department for about twelve years.
961. Is the Agricultural Department the Department in which all questions of irrigation are dealt with? They go through that a good deal.
962. Is it the Department which has more to do with questions of that sort than any other Department? That is the case, as far as cultivation under irrigation is concerned. The actual carrying out of a scheme would be done by the Public Works Department.
963. In that Department did you acquire a general knowledge of agriculture in this State? Yes.
964. Are you now in a Department where you have a large amount of data with regard to agricultural and pastoral pursuits? Yes; I am in charge of the Department under Mr. Coghlan which collects agricultural and pastoral statistics.
965. What particular counties will this scheme affect? Cooper, Sturt, Waradgery, and Nicholson.
966. Can you tell us from the data in your Department how many sheep those four counties carried ten years ago? In 1893 there were 1,460,000 sheep in the four counties; that is, about one to 4 acres.
967. Comparing that with the latest returns, what is the result? Up to December, 1902, is the last return. There were then 472,000 sheep in those counties. I think there were losses since then which may have reduced the number to 450,000 or even 400,000. That would be about one sheep to 14 acres as compared with one sheep to 4 acres ten years ago.
968. *Mr. Ashton.*] You have the actual figures up to 1902? Yes; that would give one sheep to 13 acres.
969. *Mr. Bruce Smith.*] Do you allow for losses since then? That can be done, but the right way would be to take the actual figures returned.
970. Are you able to say, from the data which you have in your Department, what would be the probable effect of an irrigation scheme in this district, judging from other places? We get returns from the seven colonies, and we are preparing information now regarding them. I have not had much time to go into the figures; but I find that at present the population in these counties is about one to 560 acres, the total population being 10,594. I will take Mildura, Renmark, and other places, where the circumstances are very similar as far as soil is concerned. The conditions are not equal, as at Mildura. They are obliged to pump water. They had 8,000 or 9,000 acres under cultivation last year. The population there is 3,500—that is within the municipality; 9,000 acres support a population of 3,500.
971. Even taking in Hay, I understand you to say that in those four counties there is only one person to every 560 acres? Yes, including all the towns.
972. If you take a small area round Mildura, would you get the same result? Mildura is there because it is irrigated. I would make this comparison: If you provide water under any proper scheme, there is no reason why you should not get a population in that district like they have at Mildura, where there are 3,500 people on 9,000 acres.
973. Is that the total acreage under cultivation in the Mildura irrigation district? That is the area irrigated.
974. After how many years? Twelve or fifteen years.
975. Is that the maximum area cultivated under irrigation? Yes.
976. Is that principally, if not exclusively, intense culture? Yes, principally.
977. Have you returns respecting Renmark? Yes.
978. How many acres are irrigated there? 3,000; and the population is 1,000.
979. Do you know the value of the produce sent away from Renmark? For a long time there was not much; but it is increasing. Last year they produced £30,000 worth of dried fruits and other things.
980. Do you know of any land near Renmark that has not the advantage of irrigation? There is a station alongside there where the land is similar, but they have no water. It consists of 250,000 acres, and last year it carried 5,000 sheep.
981. Was that owing to the want of water and grass? Yes. That was in a bad year.
982. Simultaneously, 3,000 acres adjoining it were supporting 1,000 people? Yes.
983. Do you know anything about Rodney, in Victoria? Yes.
984. How long has that been established? That was one of the earliest schemes of the Victorian Government, on which they spent an immense amount of money. 600 farms were irrigated there last year.
985. Was there any town there before irrigation? I do not think so. It is in the Goulburn Valley.
986. Do you know the value of the fruit which is produced at Mildura? Last year there was £114,000 worth of dried fruits produced.

Witness—W. Preedy, 2 October, 1903.

987. Something has been said about there being a limit to the fruit consumption of Australia;—do you know how much of that class of fruit is imported into the Commonwealth? At present they import about £400,000 worth of dried and canned fruit, that is from outside the Commonwealth.
988. Is it considered by the agricultural authorities here that the soil of Victoria and New South Wales is adapted for growing fruit for drying purposes? I have got some information from the fruit expert in the Agricultural Department. He told me that there are few places in the world where the soil is better fitted for that purpose than certain parts of the Murray district. Fruit has been grown successfully at the Wagga Wagga Experimental Farm which was sold in Sydney at 9d. per lb. One large firm bought it all. The fruit expert furnished a report to the Royal Commission on the Murray and Murrumbidgee Rivers giving full information.
989. Have you any figures with regard to the export of this fruit? There is very little export at present from Australia? They have exported experimentally from Victoria and New South Wales and it was very highly thought of, especially the Mildura fruit.
990. What is the consumption in Great Britain of dried fruits? £2,000,000 worth is imported. The value of all the fruit imported into Great Britain is about £10,000,000.
991. Can you give any figures showing the losses sustained owing to the drought? Yes.
992. What was the number of sheep in the State in 1891? 61,000,000.
993. What was the number last year, according to the returns in New South Wales? 26,650,000. The returns were made up last December, but I imagine a good many sheep were lost in February and March.
994. What were the wool returns for 1897? The value of Australian wool exported in that year was £23,000,000.
995. What is the difference between that and last year? The falling off in the three years amounts to £12,000,000, that is for Australia.
996. What is the difference in the quantity of wool exported in 1897 and last year? In 1897 we exported 303,000,000 lb. weight; last year we exported 217,000,000 lb. Those are the figures for New South Wales.
997. What effect has the drought had on the frozen meat-trade? New South Wales lost during the last two or three years about £250,000.
998. Has there been a corresponding increase in the trade done by other countries like the Argentine Republic? The Argentine Republic supplies about one-fourth of all the frozen meat that goes into London now. It has increased about 400 per cent. in three years.
999. Have you figures in the Department to show that the Argentine Republic has been able to step in and fill the vacancy caused by the Australian drought? Yes.
1000. Can you give the Committee any illustration of the effect of irrigation in New South Wales with regard to stock? We get returns from all the different sheep-owners. In going through the returns we saw enormous losses in some cases, while in other cases people did not lose many. On making inquiry I found that in the latter cases they had irrigated areas, and they kept a great many of their stock alive.
1001. What is the most notable case? At Forbes, Mr. Gatenby had 22 acres of irrigated lucerne. For four months prior to the breaking of the drought he kept there 1,500 sheep. There were a number of cases in which people kept a great many sheep on irrigated areas.
1002. Have you had any opportunity of forming an opinion as to the comparison between the effectiveness of bought fodder and fodder grown on the holdings? A lot of people who bought fodder seemed to lose their sheep; but I do not think we could give that by figures. In conversation with people they have told me that they spent large sums in fodder, but those who fed the sheep on scrub seemed to do just as well.
1003. What is the rainfall in the countries around Narrandera? The average rainfall for twenty-one years is 16 inches per annum.
1004. In what proportion does it fall? Very evenly, as follows:—January, 1.38; February, 1.42; March, 1.47; April, 1.57; May, 1.64; June, 1.29; July, 1.30; August, 1.53; September, 1.40; October, 1.75; November, 1.20; December, .89.
1005. Do you know anything about the average amount of water which is supplied in irrigated colonies? When I was in the Agricultural Department we settled the Pera Artesian Bore. We gave the settlers there the same amount of water as was given in California. It was cut up into 20-acre blocks, and the holders were each given 18 inches per acre per annum.
1006. Did they have as much water as they liked? These were the figures generally taken. The land was cut up into 20-acre blocks, and they wanted the people to irrigate one-half. They gave them under the Californian regulations 36 inches per acre.
1007. Did they get 18 inches for each acre or 36 inches for each acre? Their blocks were 20 acres, and they were given water at the rate of 18 inches per acre. A number used the water over the lot.
1008. Is that the quantity allowed in California? It used to be under their acts, but they have reduced it to about 12 inches.
1009. In California, between 1897 and 1900, what quantity have they allowed? The officer in charge of statistical work, who is the engineer for water conservation, says that, with careful cultivation in the growing months, from May to October, 9 inches is sufficient for their orchards. He says that in the arid districts they want 12 inches during the cropping season, but in the case of lucerne and intense culture of that kind they want 4 inches to each cutting. Their rainfall is only 6 inches.
1010. That is a total of 30 inches? Yes, with six crops a year.
1011. The natural and the artificial supply of water is 30 inches, and that produces six crops of lucerne? Yes.
1012. You say the average rainfall in the country affected by this scheme has been 16 inches for twenty-six years, so that another 14 inches would give as much as the Californian people use in order to produce six crops of lucerne? Yes.
1013. How do they put on the water in California? According to the reports, for lucerne they may flood it, but for orchards they use it very sparingly. They run it down in canals or they put it on the trees.
1014. What are the charges for water? At Mildura I understand they use about 28 inches, and it comes to about 28s. in the year. It used to be 20s., but now they give them an extra watering, and they charge 28s. The charge, however, is more than that, because they have to pay a high price for the land.

1015. Will the charge according to the rates under this scheme come to about 11d. per inch? Yes.
1016. Is that 1d. per inch less than at Mildura, and without any extra charge for the land? Yes, as far as the water goes.
1017. What are the charges in California? The officer reports that they charge from 12s. 6d. to 25s. an acre for 12 inches in the arid districts.

TUESDAY, 6 OCTOBER, 1903.

Present:—

MR. AFFLECK, MR. FERGUSON,		MR. BYRNE, MR. D. R. HALL.
G. S. BRINER, ESQ., IN THE CHAIR.		

Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Mr. Nathan appeared for the Scottish Australian Mining Company.

George Sides, grazier and farmer, sworn and examined:—

1018. *Mr. Mackenzie.*] Where is your land situated? Some 30 miles from Hay, and balance over 50 miles from Hay, near Gunbar.
1019. How much land do you hold? I and my family hold about 38,000 acres. It is grazing land, and we cultivate about 100 acres for hay, and occasionally for wheat. We sometimes cultivate more than 100 acres.
1020. What has been your experience during the last few years? A very sad one; caused by the drought and failure of crops.
1021. What kind of stock do you keep? Sheep; and they have been practically a failure during the last two or three years.
1022. How many sheep do you carry on your property? The most I have shorn has been about 9,000.
1023. How many have you now? About 3,500.
1024. To what has the decrease been due? Drought and the want of production in the soil.
1025. When did you lose the bulk of your sheep? During the last three or four years, but principally during last year.
1026. Do you know the district over which this scheme will operate? According to the representations, I know the greater part of it.
1027. What is the nature of the country? It is red and grey loam, principally red.
1028. Is it suitable for cultivation? Yes; if it gets moisture.
1029. Have you had any experience of irrigation in the Hay district? Only what I have seen on the Hay Irrigation Trust since it began.
1030. Has that scheme been successful? Yes; for those who have devoted their time and attention to it.
1031. In your opinion, will irrigation be successful in the Hay district under this scheme? I firmly believe that it will, and that it will be a great help to the district.
1032. Are there many small holders in the Hay district? Not so many as there used to be.
1033. Why? Owing to the drought they could not hold their own. The areas were too small.
1034. What has happened to them? They are practically ruined.
1035. Are their properties unoccupied? They have been formed into larger holdings.
1036. Do you think that irrigation will be a benefit to small holders? I have not the slightest doubt that it will be the saving of them.
1037. Is there much cultivation in that district? The greater part of it is fit for agriculture, with a supply of water.
1038. With irrigation will more people be likely to settle on the land? It will carry ten times as many people as it does now if irrigation is the success that it is represented to be.
1039. Do you know anything of the losses of stock in your district during the last few years? The losses have been very considerable. Some people have practically lost all, and it would be difficult to replace them at present prices.
1040. Will irrigation be the means of enabling large numbers of stock to be carried on the land even in time of drought? We look forward to its being the only way of keeping our stock there.
1041. What will be the benefits which will accrue to the district, and to the settlers generally, under a scheme of irrigation? It would be a guarantee of their retaining their stock and their possessions.
1042. Do you know of any opposition to this scheme? All the people from Hay, north and east, are in favour of it, but of course there are a few down the river who think the water is going to be taken away from them, and that they will not be able to get sufficient water.
1043. *Chairman.*] Do you know the district pretty well? Yes.
1044. What do you mean when you speak of the Hay district? I refer to the stock district of Hay.
1045. How far up the river does it extend? I do not think it goes quite to Narrandera.
1046. You know the country that it is proposed to irrigate under this Bill? Yes.
1047. What area of country will be watered by this scheme? If there is a water supply, 500,000 acres will be affected, and very much more will be benefited.
1048. What do you attribute the large loss of stock to? The drought.
1049. If a system of water conservation and irrigation had been in existence do you think that the losses would have been minimised? I am quite satisfied of it.
1050. Do you consider that the land, in that respect, which it is proposed to treat by this scheme is fit for closer settlement? Yes, under the scheme.
1051. With a system of irrigation, and with mixed farming or agriculture, and intense cultivation, would 200 acres of that land be a living area for a family of five persons? I cannot answer as to a living area. I take it to be an insult to ask a man what is a living area. I am not saying that to you, but that question has been asked before.

Witness—G. Sides, 6 October, 1903.

1052. You are asked to give evidence on oath, and your answers must be respectful; you say that the country is fit for closer settlement;—is it your opinion that 200 acres of that land, with irrigation, would be sufficient to maintain a family of five people? I am aware I am on oath, but there is too much made of the term living area. It would depend upon the success of irrigation and the labour they would expend.
1053. I mean under ordinary conditions? That area would give them a living.
1054. What crops could be grown there? I think the country is more suitable for wheat than anything else.
1055. In a good season, or in a bad season with irrigation, what would be the average yield per acre of wheat? It should be 20 bushels.
1056. Would that be a fair average in a good season? Yes.
1057. Have you read this Bill? No; I have not had a chance of seeing it.
1058. How would the people below the off-take be affected by this Bill? I do not think it would injure them in any way; I cannot see how it could.
1059. Why? Because when there is a flow of water, more passes away than is ever used. When the water is conserved, as much water will be allowed to go down the river, or more, than went down the river during last summer.
1060. If the Bill provides that there shall be the usual flow of water under normal conditions below the weir, will the interests of people down the river below Hay be affected? It would affect them a little, provided the flood-water was not allowed to go down, but not otherwise.
1061. What would be the effect of the flood-water? There is a lot of country a few miles below Hay over which the water spreads when there is a big flood. There is a vast extent of country there to which a flood is like irrigation, and the floods do it good.
1062. Does it leave silt? Not much.
1063. Is it mostly backed-up water? No; it is because the fall is not sufficient to carry the water away quick enough.
1064. Does the flooding of the land do it good? Yes; the benefit lasts for a considerable time afterwards.
1065. Are the good effects caused by the water sinking into the land? Yes.
1066. It does not add to the natural qualities of the soil, but it develops them? Yes.
1067. If the Bill provides that this dam at Barren Jack is to be built practically under Government supervision, that a specified rate shall be charged for water, that the Government can resume at any time, and that any one injured by flood-water, or by backed-up water, or by having the land resumed, can be compensated by application to the Local Land Board, would you be satisfied to accept such a Bill? I think that protection to those injured would be necessary.
1068. You think they should get compensation? Yes; for actual loss only.
1069. From your knowledge of the proposal, are you inclined to favour this scheme? Yes.
1070. Do you think a system of irrigation, properly carried out, would be a good thing for the district? Yes.
1071. Do you think it should be carried out by the Government or by private enterprise? By private enterprise. We should get the money from other sources, and if it is a failure we would be at no loss.
1072. *Mr. Affleck.*] Do you know Gunbar? Yes.
1073. Is there much settlement there? Not so much as there was.
1074. What is the size of the holdings there? They average 5,000 or 6,000 acres each. They were larger, but the people have gone.
1075. Can the people there now live on 5,000 or 6,000 acres? No; some have gone, and I think those who remain are nearly to a man in debt through the bad seasons. It is through no fault of their own.
1076. What area of land would be suitable for a family there? Under present circumstances a very large area would be required.
1077. How much with an irrigation scheme? I cannot answer, because I have no experience of irrigation in the district.
1078. Is it good land? Yes.
1079. *Mr. D. R. Hall.*] Have you had any personal experience of irrigation? No; except my own garden.
1080. Do you know the land affected by this scheme on the north side? Yes.
1081. Do you know the land on the south side of the river? Yes.
1082. What is its character? There is more grey loam than there is on the north. In my opinion it is not so suitable for irrigation as the north side.
1083. How is it occupied? By stations principally.
1084. Are there large stations on the north side? Yes; fairly large.
1085. Have you any idea as to whether much would be done in the way of irrigation on the south side of the river if a scheme were carried out? I do not think a great deal would be.
1086. Do you think the big station-holders on the south side would do very much? I do not think so.
1087. Is the land not suitable? It would be, but not so much as on the north side.
1088. Would we have to look practically to the north side of the river to repay interest on the outlay? Not necessarily.
1089. Would it pay to put canals on the south side? I should imagine it would pay if there were sufficient water.
1090. Even though the land is not so suitable, you think it would pay? Yes.
1091. How far is the land which would be affected by this scheme from a railway? I think the farthest point would be about 30 miles.
1092. Would it pay to grow wheat and cart it to the railway? Yes.
1093. Would it pay to cart wheat 35 miles? Yes; I have carted it that distance.
1094. Will the distance from a railway be no objection? The line proposed to be made there will come through a portion of the land which will be affected by the canal. It will make the land much more valuable.
1095. How far is the land on the south side from the railway? The line runs within a few miles of the river from this side of Narrandera right through to Hay. It goes from 1½ mile to 6 or 7 miles of the river.
1096. Then the distance from a railway would not adversely affect production on the south side? No; not much more than on the other side.
- 1097.

1097. You said that a man and his family could live on 200 acres;—would that be the general state of things? I do not think so.
1098. How much land would be necessary for a man and his family? I would not like to say; I have not had sufficient experience.
1099. Have you any land that would be affected by this scheme? Yes.
1100. What proportion of your holding would you expect to irrigate? It would depend upon the success. I have a few thousand acres which would be almost directly in touch with the scheme. It would save the stock on the whole of the land.
1101. Do you think you would use irrigation to save your stock more than anything else? Yes.
1102. Would that be the general view taken by the men there? I think so.
1103. *Mr. Byrne.*] Do you think that if something is not done to assist the people by the distribution of water, or by some other means, that the population now on the land will remain there? If something is not done they will do as they have been doing; they will go away as soon as circumstances will permit. That is speaking from the experience they have had lately.
1104. What has been your experience during the last five years as to the depopulation of the district;—have many people who held land there for years, left it? Yes; a good many.
1105. How was that land disposed of when they abandoned it? It was bought for exchange purposes, and stations in other districts were consolidated; now a good deal of it has fallen back to the Crown.
1106. If something is not done in the way of artificial distribution of water will depopulation continue? I am certain of it.
1107. Would you be inclined to invest any money in this venture? I do not think I could invest any, because what I had has been practically lost.
1108. Presuming that you were financially able to do so, would you have the will to invest any money in this scheme? Yes; I would not hesitate for a moment.
1109. Do you know of any objection to the scheme by landholders on the south side of the river? No.
1110. *Mr. Ferguson.*] How long have you resided in the district? Nearly twenty-two years.
1111. Have you heard of any protest from people down the river? No; but I have heard them grumble.
1112. When the river rises in flood time does it flood a lot of land below the reservoir? It has to rise very high to do that, and it is very unusual, but it has occurred.
1113. Is their objection based on the ground that this scheme will prevent that happening again? Yes.
1114. Would you favour this scheme if your property were lower down the river? It would not be reasonable.
1115. Would it be reasonable for those people lower down the river to ask for compensation if the dam were built? I think that would depend upon what money they had laid out on the fee-simple.
1116. If they had a long lease, would it not affect them? The leases could only have been issued lately, and this proposal has been made for a considerable time.
1117. But the dam has not been built? It has been in anticipation.
1118. Have you heard of any meetings down the river to protest against the scheme? No.
1119. Do you think this reservoir should be built by the Government? I would prefer it to be built by private enterprise.
1120. Why? Because I think they will get considerably more for their money, and if it is a failure it will be no loss to the State.
1121. You are not one of the company? No.
1122. Is your land close to the reservoir? No; I am hundreds of miles from it.
1123. Will it benefit your land? Yes; the channels will.
1124. How far are you from the channels? Perhaps a mile, or a couple of miles.
1125. Would it pay you to use water for grazing? No; but I cultivate some of it.
1126. How is it that the land on the south side of the river is not so good as on the north side? I do not say that it is not so good; but I do not know that it is exactly so suitable for irrigation as on the north side.
1127. Are you interested in this scheme? No; except that we all hope that the scheme will help us along.
1128. Were you asked to give evidence to-day? Yes; when I left Hay I was asked by Mr. Gibson.
1129. Did you come down at your own expense to give evidence? No; I happened to be here. I did not come down expressly to give evidence.
1130. Are there many people from the district who happen to be here at this time? I do not know.
1131. Do you know the river further down than the reservoir? I know the country from Wagga Wagga to a considerable distance below Hay.
1132. Have you heard of any meetings being held there? No.
1133. Do you think the soil is suitable for irrigation? Yes.
1134. Do you think the Government ought to undertake the scheme? Somebody ought to.
1135. Do you think it will be payable? I am satisfied of that.
1136. Do you think the Government ought not to undertake it because it will be payable? I do not say that.
1137. Do you say you would prefer a private company to do it because there might be a loss? Yes.
1138. Is the general feeling in the district in favour of a company doing the work or the Government? There are more in favour of a company doing it.
1139. Is your land leased land? Some of it is and some is conditional purchase.
1140. Is it under offer to this company? Part of it is.
1141. Very much? No; about 5,000 acres.
1142. Have they the option of purchase? Yes.
1143. For how long? Until the end of this year.
1144. Have they an option over much land up there? I cannot say.
1145. Is that till the end of the year also? I suppose so.
1146. Have they to pay much for the option? Nothing whatever. If it comes off, well and good, they can get it at the price agreed upon. If not, there will be nothing more said about it. I get nothing unless the Bill goes through.
1147. Then you are personally interested in the thing going through? You may look upon it in that way. I would not put in that land only it is 40 miles from where I live.

Witness—G. Sides, 6 October, 1903.

1148. *Chairman.*] You answered some questions as to the dam preventing flood water from benefiting people down the river;—did you say that it would affect them? I said it would affect them occasionally.
1149. Once the dam at Barren Jack is full, would not the land down the river receive the same benefit from flood water as it would without a dam? I should certainly think so.
1150. Do you know anything of the value of land in the district? Yes.
1151. What would be the average market value of the land in that district under the conditions of the last ten years? About £1 an acre, without stock.
1152. With good seasons, or with a system of irrigation which would be equal to good seasons; what would be the average value of the land? It would increase the value, perhaps, 50 per cent.; it would be worth 30s. an acre.
1153. *Mr. Mackenzie.*] Did you arrange to come to Sydney on business before you met Mr. Gibson? Yes; I met him by chance.
1154. In addition to the 4,000 or 5,000 acres which you have offered to the Company, do you anticipate that the rest of your land will be benefited by this scheme? Yes.
1155. *Mr. Nathan.*] What price are you to get for your land? £1 per acre.
1156. Will that be the price if the scheme goes through? Yes.
1157. *Mr. Affleck.*] Is that freehold or leasehold? Portion of it is freehold and portion leasehold.
1158. *Mr. Ferguson.*] Is the land under offer freehold or leasehold? Portion of it is freehold and portion leasehold.
1159. What is its value now? £1 an acre all round.
1160. If this scheme be carried out, will it increase the value of the land 50 per cent? Yes; in its improved state.
1161. Yet you will sell it for the same price? I have sold it for that, and I leave them to carry out the scheme.

Hugh Giffen McKinney, recalled and further examined :—

1162. *Mr. Shand.*] I understood you to say that your estimate of the cost of building the dam at Barren Jack to a height of 130 feet, designed at the base to support a dam 200 feet high, would be £300,000? Yes.
1163. And that if it were designed to be carried only to a height of 130 feet, the cost would be £200,000? Yes.
1164. How do you propose to design the dam with a base suitable to carry 200 feet? I have not got out the details. I took a number of specimens of dams built to about that height; I took out the approximate quantities and arrived at a fair approximation of the cost.
1165. What dams had you in your mind when you took out the quantities? I really cannot mention them; but I had the best and most recent work on dams before me, and some other works.
1166. Did you rely on your personal experience in constructing dams? No; I consulted recent works.
1167. What kind of dam do you propose to build, whether 130 feet or 200 feet? For 130 feet the dam I had in my mind was one faced with ashlar masonry, and the body of the dam to be composed of concrete.
1168. You would have the base the full width to carry 200 feet? If required.
1169. I presume you hope to carry out this scheme if the Bill passes? Yes.
1170. Do you anticipate making the base suitable for a height of 200 feet? I did not originally.
1171. In the Bill, do you not so express it? Yes; it may be so. The idea, as I understood it, was that, if the Government should require it to be so constructed, it would be made to the greater width. Unless the Government particularly desire it, it will not be.
1172. Do you provide for a base to be carried to 200 feet high, or suitable to carry a dam to the height of 200 feet; and if so, how high do you propose that base to extend? I really did not make out any detailed plans.
1173. Will you not admit that if you are going to build a wall that is capable of being carried to 200 feet, you must build it all the way in the first operation, and you cannot patch a piece on to it? It cannot be patched to make a good piece of work.
1174. We may take it that, with such important interests at its back, you would want the best of material, work, and design? Yes.
1175. You admit that if it is designed originally to be carried to 200 feet, it must be carried all the way—that it is built according to that design in the first operation? Yes; I believe that is so. I informed Mr. Gibson, and he agreed with me that if the construction of the dam fell to the promoter of this Bill, it would be advisable to take opinions outside of this country confirming the plans that I would get out.
1176. Assuming that the Government left you to build the dam, and required you to make it of such dimensions that it would be capable of being carried up to 200 feet, although you would only want it to a height of 130 feet, what will that dam cost to build it to the full dimensions up to 130 feet? I simply took out the cost approximately, and I reckoned that it would only add £100,000 to the cost.
1177. What were your quantities for this dam? I have not my notes with me. I made out the quantities first for a dam of 130 feet high. Afterwards, when this question arose about the probability of its being necessary to put on an extra thickness, I simply took out approximately what this extra addition would be.
1178. It would be a very rough estimate? It was only approximate, because, as a matter of fact, we had not complete sections taken.
1179. Did you take into consideration in the building of this dam, and estimating the storage capacity, the question of silt? It really did not seem to be necessary.
1180. Is not that most vital in these rivers? As a matter of fact there must be a series of sluices to let the water off at different heights, and any silting will take place far away from the dam.
1181. How do you mean? There will be a long reach of still water, and the silt will be deposited near the places where the water is held back.
1182. The heavier part of the silt would be deposited there; but have you not pointed out in your works that the silt question is a very important one? Yes, in some places; but in a case like this, where there has to be provision to let off water at different levels, it would not be a big question proportionately.
1183. You would operate on it by sluices; but have they not a very local operation? Perhaps they would; but in any case I do not think the question of silt would be a big one, because it would be miles away from the dam where the main part of the silt would be deposited.



1184. What I want to get at is whether, in estimating the storage, you have taken into consideration all the contingencies; and I want to know if the question of silt is not one of those matters? Yes; but, proportionately, it is a very small one.

1185. But would it not go on increasing year by year? Perhaps it would, but it would be a very slight increase.

1186. I do not know whether the same thing applies here, where you have a dam across a river as would apply in the case of the Murray;—are there any differing circumstances in the Murray? I think there would be more silt in the Murray. In that part of the Murrumbidgee, as far as I have seen, the quantity of silt coming down is small.

1187. Have you not pointed out that in the Murray there are places where you have taken measurements and where there is an actual silting up of 10 inches in four years? There are cases where there has been silting.

1188. Do you remember, while you were in the Department, that you prepared a sketch showing the silting up of the Murray at Euston? Yes; but the cases are very different.

1189. Was there anything to cause silting at Euston which does not exist here? The Murray, before it reaches Euston, flows for several hundred miles through soft alluvial; whereas, in the case of the Murrumbidgee, before it comes to the Barren Jack reservoir, it flows to a great extent over rocky country.

1190. In other words, the classes of country are dissimilar? Yes, quite dissimilar.

1191. Do you say that you have not regarded the question of silting as a material one in your calculations, and you do not now? Yes.

1192. From Barren Jack to the weir at Narrendera, is the distance about 200 miles? Yes.

1193. Taking a dry year, like 1902, when there was practically no rain during the greater part of the year, would there be any soakage below the reservoir to counteract the ordinary loss by evaporation and percolation? Below the reservoir I think there would be enough to compensate for any loss, and more if you count in the Tumut River.

1194. Have you ascertained what volume the Tumut was discharging into the Murrumbidgee during 1902? No.

1195. Is that the only stream discharging into the Murrumbidgee for 200 miles? There are many others? but that is the only permanent one, I think.

1196. In dry weather, like 1902, we have only to regard the permanent streams;—in 1902, would there be very little soakage? There would be very little; but at the same time, in a river like that, balancing one thing with another, there would be very little loss.

1197. You have not in your calculations allowed for any loss between Barren Jack and the off-take? I have assumed that one would counteract the other.

1198. That the Tumut River and the soakage from the lands adjoining would counteract the loss? Yes.

1199. In a dry time, would not the soakage be the other way, except from the Tumut? In certain cases it would.

1200. Do I understand that you either took Colonel Home's data, or that Colonel Home took yours? I had the material collected in the Department; he adopted it as the basis of his calculations.

1201. Is it the same material on which you are now basing your estimates for this dam? Yes.

1202. What additional data have you got to enable you to form your conclusions since the report of Colonel Home, in 1896? There are the river records, which Mr. Wade has charge of. I had the benefit of them. That is a very material addition to the information.

1203. Have you made any chart to show what the height of the river was during that time, what would be saved by the dam, and what would go out from month to month from the dam? I simply took the departmental ones. They were published in the Inter-State Commission Report.

1204. You have made no independent investigation? No; I made use of the Government diagrams.

1205. Do you remember evolving a scheme for the Northern Murrumbidgee when you were in the Government Department? Yes.

1206. Did you propose to run water from near Wagga Wagga to Lake Coolacumpama? Yes.

1207. And from that lake, were you to run off a series of channels and by-channels to irrigate the Northern Murrumbidgee? Yes.

1208. Would that original scheme of yours be as extensive as your present scheme? Yes; in fact, the original scheme was considerably longer, because it would involve a longer length of canal from the head works, near Wagga Wagga.

1209. I am limiting my question, and assuming that the storage reservoir was at Coolacumpama; from that you laid out on paper and charted canals for irrigation;—starting from that lake, I want to know whether your original irrigation proposals were as extensive as the present ones? They were about the same. In a great measure it covers really the same ground.

1210. May I take it that although the channels may be somewhat differently placed, that that would serve an equal area of country with what you are now proposing? As far as I recollect, it did not provide quite as much water as will be provided in the present scheme.

1211. That is not what I asked;—I asked did that scheme deal with as much country in the canals as the present one? Yes; it dealt with as much country in this way, that the canals commanded as much country; but I do not think it would have irrigated as much country as this one will.

1212. Why not? As far as my recollection goes, the canal going away from the lake was slightly smaller than this one.

1213. At the time you wrote your Progress Report in 1891, did you not regard a considerably less quantity of water as being sufficient to irrigate the country through which these canals would pass? No; I did not. I looked upon that as a partial irrigation—as an irrigation that would serve the country. I did not then look much to the question of small settlement. I was not then aware that there was so much close settlement going on at Gunbar as there afterwards proved to be. That scheme was more with the idea of providing for purely grazing country.

1214. Does not the following passage from your Progress Report in 1891 correctly represent what you proposed to do:—

Keeping in view the objects for which works for water conservation on the river Darling are proposed, the following would be legitimate sources of revenue on account of these works:—(1) Rights to pump water for irrigation from the river Darling and the lagoons connected with it; (2) rights to pump from lakes or other natural depressions into which the waters of the river would be diverted; (3) irrigation by direct flow through natural or artificial channels from the river; (4) increase in the value of land due to the works; (5) navigation tolls. In

Witness—H. G. McKinney, 8 October, 1903.

In regard to the first of these sources of revenue, it may be reckoned that, on a moderate estimate, the quantity of water held back by a suitable system of weirs between Wentworth and Bourke would amount to 10,000 millions of cubic feet. As a general rule, this supply would be maintained by the flow of the river; but in very dry seasons only this quantity would be available for irrigation. If only this supply be reckoned, we should have sufficient to irrigate 200,000 acres of land, or over 220 acres to every mile of river frontage. A pumping license equivalent to 5s. per acre would be a very reasonable one in such a district, and this alone would give a revenue of £50,000 per annum. Considering that the growth of cereals and fodder along the course of the Darling would afford complete insurance against drought throughout a district in which enormous losses are sustained under existing circumstances, and that in an average year a much larger area than that stated could be irrigated, this estimate is, I believe, within the mark.

The second source of revenue is one which would be steadier, though probably much less extensive, than the first; but as the amount of storage available at a distance from the river has not yet been examined, no estimate can be made. There is no doubt, however, that the revenue from this source will be considerable.

The third source of revenue will be an important one only in seasons when there is a high river and lack of pasturage. At such times the water would be available for flooding large areas of the natural grasses, and as the water could be supplied at a very low rate, there is no doubt that it would be largely availed of. On this point also it is impossible to form an estimate of the probable revenue, as the surveys are only now in progress which will show the extent of land which can be flooded.

The fourth source of revenue should be the most important one. The production of an ample supply of cereals and fodder along the course of the Darling, added to the facilities for water carriage, will have an effect on the whole of the Western District.

First of all you deal with rights to pump water for irrigation from the river Darling and the lagoons connected with it; (2) rights to pump from lakes or other natural depressions into which the waters of the river would be diverted; (3) irrigation by direct flow; then you speak of the third source of revenue, when water would be available for flooding large areas of natural grasses? That was principally in my mind.

1215. Then you said that the fourth source of revenue should be the most important one—the production of an ample supply of cereals and fodder along the course of the Darling;—had you not the same matter in your mind with regard to the Murrumbidgee as with regard to the Darling? Yes; it was to aid graziers during times of drought.

1216. Had you not the idea of supplying cereals and fodder in your mind? Yes.

1217. Have you any other cultivation in your mind now beyond cereals and fodder? I expect that in winter time there are large areas of grass which will be irrigated.

1218. You had that idea in your mind at that time? What was advocated there was the irrigation of cereals and crops like lucerne and sorghum.

1219. I do not see anything about sorghum there; at the time you proposed the original northern Murrumbidgee scheme, did you provide for a flow of 600 feet per second? Yes; I believe that was it. The object was to tide graziers over times of drought.

1220. Were you really proposing this scheme—a very extensive one—merely for graziers, and not with a view to closer settlement? I did not then think that closer settlement had much chance of succeeding there.

1221. When was that? In 1891. That report was really prepared in 1890, but it was issued in 1891.

1222. *Mr. Shand.*] Whatever was in your mind at that time, had you taken into consideration all the losses which were taken into consideration under your present scheme when you provided for 600 cubic feet per second? Yes.

1223. Have you gone through the chart which has been prepared by Mr. Wade, showing what a reservoir built to your height would have done according to his figures during the various years that have passed? Yes; Mr. Wade very kindly let me look at that.

1224. Have you gone into it sufficiently to express an opinion upon it, and to point out where you differ from him? I think there are two points in it which are very liable to lead to a misunderstanding of the circumstances. One of them is that the place chosen is so far down as Hay. It is very difficult to allow properly for the loss of water between Barren Jack and Hay, because the country from Narrandera to Hay is all alluvial. I have no doubt that the discharge observations, and all the records for Hay, are most complete; but, at the same time, it is a very difficult thing to estimate what the loss would be in that style of country. That is a point on which I should be inclined to receive the conclusions of that diagram with a good deal of reserve.

1225. Have you any data from which you can correct Mr. Wade, if he is wrong? In working out what the canal and the reservoir would do, I took the gauge diagrams for Wagga Wagga and not for Hay. It was on that that I based my calculation.

1226. How far would Wagga Wagga be from the weir? I should say, roughly, 50 or 60 miles above the off-take.

1227. By the river or in a straight line? I can only recollect it very roughly, but it might be a good deal more than that by the river.

1228. What sort of country would it be between Wagga Wagga and the weir? There is a well-defined river valley most of the way. There are a few flats at intervals. In many places the rock comes close up to the river on one side.

1229. In taking the Wagga Wagga gaugings, have you allowed for loss between Wagga Wagga and the weir? Only approximately.

1230. What percentage? The fact of the matter is, that the whole thing has to be, in a great measure, approximated. You could not get out an exact statement of the quantity from the diagrams. It seems to me that the loss there would be very slight—only a small fraction of what it would be between the head of the canal and Hay.

1231. Do I understand that you have not allowed anything in this scheme for loss between Wagga Wagga and the weir? As a rule I have not.

1232. What do you mean by saying “as a rule”? I have done it approximately.

1233. Can you give me what you allowed for loss? I do not recollect that I took a definite percentage, but I imagine that the loss there would be very small.

1234. Even in a dry year? Yes.

1235. Does the character of the river suddenly change between Narrandera and Hay? The river valley stops altogether at Narrandera. There is no defined valley beyond Narrandera; you have alluvium on both sides.

1236. Do you know the country well between Wagga Wagga and Narrandera? I have gone through it.

1237. Are there not two very large flood channels coming out from the river? There is one large flood channel when the river is a good height. As far as my recollection serves me, no flood channel comes into operation until the river is at a good height.
1238. Does not that show the character of the country through which the river passes—that it is an open valley? There are certainly alluvial flats in places on one side of the river.
1239. Are there not extensive ones for miles? They might extend perhaps for 2 or 3 miles. There is one near The Old Man Creek, and another further up.
1240. *Mr. Mackenzie.*] Is this the reason why you now ask for 750 cubic feet per second; that under the first scheme you only asked for 600 cubic feet per second, because you had not considered the question of closer settlement? Yes; the idea of promoting closer settlement was scarcely taken into account.
1241. Therefore you want more water in this scheme than under the first one? Yes.
1242. Is 750 cubic feet per second an extraordinary amount of water to take, compared with other schemes? No, very much the contrary. This is an extremely modest demand, compared with what we might expect in Victoria. The Goulburn River is not so large as the Murrumbidgee, and there is one canal there carrying over 1,700 cubic feet per second; that is two and a half times what is asked for here.
1243. *Chairman.*] Does not this scheme propose to supply water up to 12 inches per acre? Yes; but it is not possible to lay down a hard and fast rule as to what will be supplied on particular areas.
1244. But 12 inches may be supplied? Yes.
1245. And 8 inches may be supplied? Yes; it is not at all unlikely that a great deal will be done by simply supplying one large watering of 6 or 7 inches deep before the land is ploughed. It is not possible to foresee accurately what sort of irrigation will be adopted.
1246. You say that 12 inches is the specified maximum, but 8 inches may be the maximum supply? Yes.
1247. Will the price, according to the rate specified in the Bill, be about 1s. per inch? Yes.
1248. That will be about 8s. per acre? Yes; but that is the maximum price.
1249. Presuming that that price were charged, as you admit it may be charged, would the enhanced value given to the land warrant the holder in paying 8s. per acre for a year? It depends entirely upon the crop. If a man were growing vines for raisins, it would pay him very handsomely. He could pay three times that rate and make a profit.
1250. Would it depend upon the crop? Yes.
1251. Would irrigation, under the provisions of this scheme, be payable only as a means of fostering closer settlement? Yes, at the maximum rate.
1252. Presuming that the highest price paid by any one man were 2s. per acre, would it pay to irrigate land for grazing purposes even at that rate? In a dry season it certainly would.
1253. That is for grazing only? I should think so; but I do not profess to be an expert in that matter.
1254. Do you know the country between Narrandera and Hay? Yes.
1255. Is it good land, fair land, or bad? It is nearly all good land.
1256. Are you a fairly good judge of land? Yes; I have had large experience, but not as a practical farmer or grazier. I had charge of the supply of water to 60,000 or 70,000 acres at one time.
1257. What is the average market value of land in that district, taking into account the average seasons for the past ten years? When one goes down near Hay, I do not think it is worth £1 an acre.
1258. What do you think it is worth? For a good number of years past, they could not make it pay at that price.
1259. What is the carrying capacity of the land generally for grazing purposes? Taking it on an average, it would be a sheep to 2 or 3 acres. It has not averaged anything like that during the last three years. Taking the last ten years, it would average that.
1260. Given an irrigation scheme, such as provided for in this Bill, what would be the added market value of the land? For land actually irrigated, it would be pretty nearly trebled in value.
1261. Taking the best of the land, what would you consider to be a fair living area for a family, basing your estimate on mixed farming and close cultivation? If it was ordinary mixed farming, I should think a man ought to do very well, with an abundant water supply, on from 100 to 150 acres.
1262. Are there 200,000 acres of that class of land? I think so.
1263. *Mr. Ferguson.*] Are you personally interested in this scheme? Simply as an engineer.
1264. How do you arrive at your basis of the cost of this dam? Simply by taking out the quantity of material that would be used, putting down so much per cubic yard, and allowing a liberal rate.
1265. Have you any recent data to go on? It is simply from the levels that were taken on the site some years ago, when levels were taken to define the site up to 125 feet. That was while I was in the Department. I have gone on the information conveyed by those levels.
1266. Would you undertake to build that dam 130 feet high for £200,000? Yes.
1267. In building it 200 feet high, is your data only approximate? It is more approximate than in the other case.
1268. Is the other pretty reliable? Yes.
1269. Would you object to live below the dam if you built it at that price? I would not have the slightest hesitation about doing so.
1270. Do you say that before going on with the work it would be advisable to consult outside engineers? Yes; probably we would get an opinion from London and another opinion from America.
1271. Suppose they said it would cost £500,000? I should be very much surprised.
1272. Suppose you placed this proposal before an American engineer, telling him to what height you intended to go, what volume of water you wanted to impound, and he said it would cost £400,000 to build it, what would you say? If I were to submit the proposal to a first-class American engineer, and told him what the section was like, and I estimated it would cost £200,000, I think he would tell me that I had very extravagant ideas, because they have a way of building dams in America that I would not care to recommend here.
1273. Is it safe to live below a lot of them in America? It is very easy to explain how the accidents do occur. In the case of the worst accident which happened there the people did not bother about consulting any engineer. They put 14 feet on top of a dam on their own motion.
1274. Is not your extra height something like that, and do you not say it is only approximate? No, there is nothing like that.

Witness—H. G. McKinney, 6 October, 1903.

1275. Did you not say that it was approximate? I said the estimate was.
1276. And now you say it is not? No, I do not.
1277. With regard to the question of silt, is it a fact that your dam will be filled in flood time? Yes.
1278. You will not impound the water in seasons like we have had during the last five or six years? There were several occasions during the last five or six years when the dam would be filled. That would have been the case at the beginning of 1902.
1279. For some time past was the flow down the river so large as you propose to allow, that is, 500 cubic feet per second? Not for any great length of time. It was below that.
1280. In the event of very heavy rain and floods you would calculate upon filling your dam? When there is a good river.
1281. That would arise from heavy rain above the dam? Yes.
1282. When you have heavy rains is it not a fact that there is a large quantity of silt carried in solution in the water, and it afterwards settles? Yes.
1283. How do you propose getting that silt out? I do not think it would increase at the rate of more than 1 foot in 100 years.
1284. You said in answer to Mr. Shand that you could draw off the water at various levels;—how would that affect the question of silt carried in solution which would settle at the bottom of the dam? There is very little silt which would settle in that way within some miles of the dam, because the water when flowing down would be practically still from the time it got into the back part of the basin. Where the silt would be deposited with a 130-foot dam would probably not be within 8 or 10 miles of the dam.
1285. Would it in any way affect its holding capacity? Not for a very long time.
1286. Do you agree with Colonel Home's report? Yes, in the main.
1287. That is where he agrees with you? Yes.
1288. He speaks about this basin in the Murrumbidgee River, and he mentions a couple of dams which were suggested by you;—is there not one 6 miles below Wagga Wagga? That was the first proposal, to take off water from the river. That is the place I proposed when I thought it would be necessary to use Lake Coolacumpama. There was then an agitation to bring the water through Brookong. Those two considerations had a good deal to do with the selection of that place, as it was the only one that seemed favourable to take off water so as to meet both sides.
1289. You seem to have devoted a good deal of time to that proposed canal? Yes.
1290. You seemed to think it would be a good thing? Yes; that is, on the south side.
1291. Does not Colonel Home say that he does not agree with you, and that it would not be remunerative? I had abandoned that before he came here. I did not recommend it.
1292. Did you never recommend it? I would have recommended it, if I found the cost reasonable. When I went into the estimate of cost, I found it was too high, and I abandoned it before he came here.
1293. When you were in the Government service, did you not take some levels at Barren Jack? I got some taken. An officer went up there and took the levels.
1294. Wherein does it differ from the present scheme? The survey of the Barren Jack reservoir was not completed to the same extent that it is now. Before I left the service the survey had only been carried to a height of 125 feet. Since then Mr. Wade has had levels taken up to 200 feet.
1295. Was the scheme pointed out to Colonel Home for the irrigation of the northern side of the river? No, for the southern side.
1296. Was the one on the northern side not referred to him at all? Not in this form. In fact, it was only at about that time that we found the greater capacity of the storages in the upper part of the river, and that there was no necessity to go near Wagga Wagga to get the canals.
1297. As a man of experience in Government work, and an engineer of repute, do you think that the storage reservoir should be in the hands of the Government or of a private company? I think it really does not matter materially; but my idea is that when a private company is carrying out a canal scheme like this, it would be better for them to have the management of the reservoir too. It would be better for the people taking the water from the canal. They would know better to whom they should look if there was any trouble.
1298. Was that your experience while you were a Government officer? My experience as a Government officer taught me that irrigation works could never be carried out satisfactorily by an Australian Government. That is pretty nearly Mr. Deakin's conclusion, too.
1299. Or anything else? I would not say that.
1300. You seem to think that if this work were constructed by the Government it would not be so well for the people using the water as if it were in the hands of private enterprise? I refer more to the subsequent management of the reservoir.
1301. What advantage would it be to the consumers if a private company held it? It would not make a material difference, if they knew to whom they should appeal if there was too little water coming down, or more water coming down than was necessary. There would be two authorities to whom they would have to look—to the Government, with regard to the reservoir, and to the promoter in the case of the canal.
1302. Is it not your experience that it is easier to get concessions from the Government than from a private company? Speaking generally, it is.
1303. Then how would it be better for the consumers if this were in the hands of a company? There would be more likely to be confusion if the company were managing the canal and the Government managing the reservoir. There would probably be unsatisfactory management with two authorities.
1304. In your private opinion, which would you prefer, the Government or a company to carry out the whole scheme, speaking in the interests of the country? I should say a company. I would have no objection to the Government carrying out the reservoir; but, even if they did carry it out, there would be more liability to confusion afterwards in the working of irrigation if it were managed by the Government.
1305. You know the land about that particular district which is likely to be benefited by the canal, and you have heard the evidence given by a settler, who said that its value is about £1 an acre? I think that is a very outside value.
1306. Do you know that most of that land which was reappraised lately was brought down to 11s. per acre? I know that a great deal of it was.

1307. Do you think they would have got that concession if the land had been owned by a company? Very likely not; but they would have a great many advantages otherwise which they cannot get from the Government.

1308. If a company owned the land? They could depend upon getting the water more regularly, and they will have a better chance of getting it at all than they will from the Government.

1309. Do you think a company would have reduced the value of the land to 11s. an acre on reappraisal under similar conditions? I should say that a prosperous company, if it had treated the people as badly as the Government have in the past, would have made such a concession. The Government have treated the people very badly in times past.

1310. Is there any means under this Bill by which a consumer of water can get the water at a cheaper rate than is provided by the Bill? There is a very effective way. The company must sell the water at such rates as will make its use popular. They cannot keep the canal standing idle.

1311. Take the price fixed by the Bill;—suppose the dam were built, that people were settled there for a number of years and found themselves fairly successful, and there was an agitation to get the water at a cheaper rate, would there be any possibility of getting that concession from the company except at their own sweet will? Yes, the company have their own interests to think about.

1312. If they can sell their water at the price fixed by the Bill the people will take it, and the company are not likely to give it for less? They could not as a general thing sell the water at that price; they would not get customers for it.

1313. Could they not get customers at the price fixed by the Bill? Not for the whole quantity, or for any large proportion of it.

1314. How do they propose to make it pay? Because they quite recognise that they will have to give a large quantity of water at a fraction of that price. Mr. Gibson knows very well that it would not do to irrigate grass land at that rate.

1315. Is there sufficient land likely to be affected by this scheme to yield interest for the outlay on the canals and reservoirs? Yes, if it is well managed.

1316. *Mr. Affleck.*] By the 3rd clause of this Bill you provide for a height of dam not exceeding 130 feet;—do you propose to go higher than that? No.

1317. Will you only put in a foundation to carry up the dam to a height of 130 feet unless the Government tell you to build it so as to be suitable for 200 feet? It will be done if the Government require it. Personally I would be in favour of something between the two, that is, to make the lower part of the dam to a width sufficient to go up to 160 or 165 feet.

1318. You will not go beyond the necessary width for 130 feet unless the Government say that they will not approve of it unless you do? Yes.

1319. *Mr. Nathan.*] You said that this land, in your opinion, would be trebled in value if the scheme be carried out? Yes, the land actually irrigated.

1320. Do you know the 175,000 acres of which Mr. Gibson has the option? I have been over a good part of it.

1321. Can it all be irrigated? I do not think so. We have not the levels complete for that. We know that a part of it can be irrigated, but we do not know whether the whole of it can.

1322. Mr. Gibson said that that land will carry one sheep to 5 acres, and that if this scheme be carried out it will carry 10 sheep to the acre? Yes.

1323. Is not the average profit on a sheep 2s. 6d. per annum? I think that is rather high. I have always understood that on a well-managed place it would be 2s.

1324. We will take it at 2s. 6d. on one sheep to 5 acres; that would be 6d. an acre. If this land will carry ten sheep to the acre with irrigation, will not that be a profit of 25s. an acre? Yes.

1325. Is not that an increase of 2,500 per cent.? Yes.

1326. Then the land that Mr. Gibson has a right to purchase will be worth a great deal more than three times its present value? As a whole it will not, because a considerable portion will not be irrigated.

1327. *Mr. Shand.*] Do you know whether the soils have been tested on this tract of country which it is proposed to irrigate? Not specially.

1328. Do you know what sort of subsoil there is? Mr. Gibson knows some of it; but, personally, I do not.

1329. Do you agree with Colonel Home when he says that the drainage question is of importance where irrigation is likely to be carried on continuously, and should on no account be neglected? That is right enough, but I do not consider that there is much of this land where irrigation would be carried on continuously. The only people who will carry on irrigation continuously will be fruit-growers, and that will be a very slow thing. They will have to go on irrigating the same block of land.

WEDNESDAY, 7 OCTOBER, 1903.

Present:—

MR. AFFLECK,

MR. BYRNE,

MR. FERGUSON.

G. S. BRINER, Esq., IN THE CHAIR.

Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Mr. Nathan appeared for the Scottish Australian Mining Company.

Samuel Nixon, farmer, Gunbar, sworn and examined:—

1330. *Mr. MacKenzie.*] What area of land do you hold? 5,240 acres.

1331. What is the nature of the tenure? Conditional purchase and conditional lease.

1332. How long have you been in the district? Slightly over twenty years.

1333. How do you work your land? As a farm.

1334. What area have you under cultivation? 1,300 acres this season. I started with about 100 acres.

1335,

Witness—S. Nixon, 7 October, 1903.

1335. What is the greatest amount of land you have had under cultivation? 1,900 acres. The average has been 1,200 to 1,300 acres.
1336. What crop have you grown? Wheat, which is the only thing I find suitable. Until five years ago our average yield was 8 bushels to the acre.
1337. What is the nature of the soil? Red loamy soil.
1338. Is it the same soil as the surrounding district? Yes; it is all the same.
1339. Is it suitable for wheat cultivation? Yes.
1340. What do you do with the rest of your land? I use it for grazing farm stock and a few killing sheep.
1341. Do you know the proposed course of the canals under this scheme? Yes; I have seen the plan.
1342. Will the canals run near your property? The nearest survey is 9 or 10 miles away.
1343. What is the average yield of wheat in ordinary seasons? About 8 bushels to the acre.
1344. Is the land easily worked? Yes; very easily.
1345. What is the cost per acre of putting in and taking off a crop? Mine is about 10s. 6d. per acre.
1346. Does that include everything? Yes.
1347. Will an 8-bushel crop pay to grow, in your experience? Yes, well.
1348. Would you require to have a large or small area? A large area can be worked much cheaper.
1349. What is the value of your plant? £1,500.
1350. What area can you work with that plant? About 2,000 acres.
1351. What is the smallest area which it would pay to cultivate under existing conditions? I do not think that less than 1,000 acres would pay in that district.
1352. What has been your average yield for the last five years? Two bushels to the acre.
1353. What does that mean? Ruin.
1354. What is your present financial condition? I have gone back during the last two or three years; in fact for the last five years.
1355. What was your position five years ago? It was good; I had a good credit balance.
1356. How was it that you were in that sound condition? Through wheat-growing.
1357. Owing to the drought, how do you stand? I am in debt. I have not paid up my rents to the Crown during the last four years, and I have an overdraft.
1358. Under normal conditions, what are the prospects of cultivation? During the last five seasons it has been very bad.
1359. Would you call it a sound investment to go in for? No; if I had my time over again I would not go there.
1360. What is the general state of the Gunbar district? I think most of the settlers are ruined, or on the verge of ruin.
1361. Are there many small holdings in that district? Very few. There were a number, but fully 50 per cent. have sold out. A few have let their selections lapse for non-payment of rent.
1362. Why have they sold out? They had to. Some took a little money away with them, but others nothing.
1363. Can you cite any instances? One family named Walker came to Gunbar and took up 12,000 acres. At present that holding, with all the improvements, is forfeited.
1364. Do you know of any persons selling their land? Yes, a number. Fully half of the selectors have done so.
1365. What was the average price obtained by you for wheat? 3s. 3d. per bushel at the Carrathool railway station. During the last two years I had none to sell.
1366. What has been the price of wheat during the last two years? I hardly know, but it has been more than that.
1367. Why? On account of the failure of the crops. Wheat had to be imported.
1368. Which is your nearest railway station? Carrathool.
1369. Was 3s. 3d. per bushel the price at the railway station? Yes.
1370. How did you get your wheat to the railway station? It was usually carried by teamsters.
1371. How far are you from the station? Forty miles. I paid 5d. per bushel for cartage.
1372. Did it pay you at 3s. 3d. per bushel, less cartage? Yes; it paid well until the failure of the crop.
1373. With 2,000 acres under cultivation, and an 8-bushel crop, what would your clear profit be? About £1,000.
1374. Were you appointed expert land-valuer to the Crown in 1896? Yes.
1375. Did you inspect and value the conditional purchase land? The special areas in Hay, Deniliquin, and Hillston districts.
1376. Did you give evidence before the Appraisal Court in 1902? Yes; that was on behalf of the settlers.
1377. What was the value of the land in those respective districts in 1896? In Hay it varied. Three acres to a sheep country was valued at 15s.; 1 acre to a sheep country was valued at £2 5s. That was in 1896, before the drought.
1378. What is the present value of land in that district? Something under half of that during the last five years. Gunbar is in the Hay district. The £2 5s. an acre country is on the Murray.
1379. What was the value of the land in Deniliquin and Hillston districts in 1896, and what is its present value? It is worth about one-half now—that is, working it out on a commercial basis.
1380. Did you have your own land at Gunbar reappraised twelve months before last August? Yes.
1381. At what amount was it reappraised? The bulk of it at 8s. 4d. an acre. The average was about 9s.
1382. What was the value in 1896? I would not have applied for reappraisal then. I should then have valued it at over £1 an acre.
1383. Previous to taking up land in the Gunbar district, were you a selector at Deniliquin? Yes; for ten years. Before that I was in South Australia, where I was farming.
1384. Are you in favour of this proposed irrigation scheme? Yes.
1385. What has the experience of the last five years shown you? That if we are to prosper we must have water. It is no use trying to depend on the natural rainfall.
1386. Under present conditions, can the small holders continue? I think not.
1387. If the small holders have to go, what is the outlook for the district? Very bad. The large holders are suffering just as much. They are all insolvent, as well as the small ones.

1388. At present, is there much abandoned country? Yes; on the Cowl Cowl and Coonapara runs.
1389. What is the nature of the soil in that country? Loamy red soil. It is suitable for cultivation at very small expense.
1390. Has that abandoned land been improved? Yes; it has all been improved for grazing purposes. It has been fenced, and provided with tanks and wells.
1391. If water can be carried to that abandoned country, what effect will it have? It will be all settled.
1392. Has the population in Riverina increased or decreased of late? It has decreased considerably of late.
1393. Do you attribute that to the insufficient rainfall? Yes.
1394. What area do you consider would be sufficient to obtain a living on with an irrigation scheme? I should think 300 or 400 acres.
1395. With what amount of land do you think you could do if you had irrigation? I would prefer 300 acres with water to my 5,000 acres without water.
1396. How many waterings do you consider would be necessary for wheat-growing? It would depend upon the rainfall. In most years two or three waterings would increase the yield threefold.
1397. What are your prospects this year? Very promising as regards crops.
1398. What has been the rainfall? A few points over 7 inches.
1399. What has been your largest yield of wheat? In one year I had over 32 bushels per acre.
1400. If the land could be irrigated, in your opinion what would be the average? Twenty bushels to the acre.
1401. Have you ever had any experience of irrigation? Yes, on a small scale. I have irrigated small crops of wheat consisting of new varieties.
1402. Have you tried it this year? Yes.
1403. What is the result? I think there will be four times the yield compared with that which is not watered; in fact, before the September rains came I did not expect any yield from my first-sown crop. What I have irrigated is looking well.
1404. Do you know the land north of Whitton? Yes.
1405. What is the nature of it? It is all similar to the Gunbar country.
1406. How does it compare with the land generally in the Riverina district for irrigation purposes? I think it is very suitable.
1407. Do you know the plan of the proposed canals? Yes.
1408. Do you know the proposed channels at Booligal and One-tree? Yes; they go through purely pastoral land.
1409. Do you know where the Hay branch goes? Yes; with the present rainfall we have always considered that that is not agricultural land, but with water it would be. With the natural rainfall it is good grazing land.
1410. Is it as suitable for irrigation as the Gunbar district? No; it would require more water. It would be just as suitable with more water.
1411. How does the land on the Hay branch compare with the land on the south side? I think it is very similar.
1412. With regard to the Gunbar land, is that good grazing land? No; its capacity is much lighter than the river country. I have always regarded it as purely agricultural.
1413. Do you know if the landowners in the Gunbar district are in favour of this scheme? I never heard one dissentient voice. It is acknowledged to be the only thing that will save the district from becoming a desert.
1414. What effect have the last three years had on land? In many cases it has blown away the surface. A lot of that country has got a few inches of loamy soil, and below it there is clay. The soil has been blown away, and only clay has been left. It is a desert.
1415. Is the land as good as it was? No; during the last twenty years that land has depreciated at least 25 per cent.
1416. Do you know the carrying capacity of land for stock? Yes; I have had considerable experience.
1417. What is the carrying capacity? In the Gunbar country now, 6 or 7 acres to a sheep.
1418. Would irrigation tend to increase the carrying capacity? Yes, considerably.
1419. What could it carry with irrigation? It was proved, last summer, that blocks irrigated on Burrumbogie and McCaughey's stations carried equal to seventy sheep per acre for four months.
1420. *Chairman.*] Have you seen this Bill? Just a rough draft of it.
1421. Speaking generally, do you know what the Bill proposes to do? I think so.
1422. From your knowledge of the district, and from what you know of the Bill, is it one that could be safely recommended to Parliament? I think so. I cannot see any objection to it. It seems very equitable.
1423. Mr. McKenzie asked you as to whether you had heard any expressed opposition to the Bill in the district, and you said you had not heard one dissentient voice? That is in the Gunbar district.
1424. Do you know whether the people down there are in favour of irrigation generally as a principle, or whether they understand the provisions of this Bill, and are in favour of it? I think the bulk of the people are in favour of the Bill. They are in favour of irrigation as proposed by this Bill.
1425. Do these people express that opinion with a knowledge of the provisions of the Bill? Many do. The Gunbar Association has held meetings and discussed the provisions of the Bill as published in the papers.
1426. Do you know that they have had meetings where the Bill has been discussed? Yes.
1427. Have you heard of any opposition at any of those meetings? There was a meeting held at Hay a few weeks back, and one or two people on the lower river objected to the Bill because it would prevent the country from being flooded. That is the only objection I have heard.
1428. Do the people below the off-take object to the Bill because it would prevent the flooding of the country? Yes.
1429. Do they look upon the flooding of the country as an advantage to the land? No doubt it is, to a slight extent. We admit that, but we consider that the general advantages completely counterbalance that.
1430. Have you a fair knowledge of the effect of floods and of the advantages and disadvantages arising from them? Yes; I have had flooded country myself in the Deniliquin district.

Witness—S. Nixon, 7 October, 1903.

1431. When once the dam at Barren Jack is constructed and filled with water, would not the flooding of the river below the off-take occur just the same as if there were no dam? Just as much.
1432. Would the depriving of those people of any benefits which they might get from flood water only occur if the dam were low, or during the construction of the dam, and while it was being filled with water? Yes; I consider that objections are made by these people because they have never thought out the subject. The Bill proposes that a certain quantity of water shall pass down the river before it goes into the canal. I do not think they have looked into that.
1433. During the last ten years what would you say has been the average crop of wheat per acre? About 5 bushels per acre.
1434. Given good seasons during that period, or a system of irrigation, which would be equal to a good rainfall, what would be the average production of wheat per acre? In a good season it would be about 20 bushels.
1435. Would it average 16 bushels per acre in good seasons? Yes.
1436. What is the market value of land as it stands? It has no value. We cannot sell it at any price.
1437. What do people ask when they want to sell? They ask £1 per acre improved.
1438. So that the seller fixes the market price as it stands at £1 per acre? Yes; that is what most are asking. I think some are asking very much less.
1439. Are there any buyers at that price? Yes; this company say they will give £1 per acre.
1440. But leaving out this company? There are no buyers at that price.
1441. Do you put down £1 per acre as the average price asked for holdings offered for sale? Yes.
1442. If this irrigation scheme were brought into existence, or if you had a succession of good seasons, or a guarantee of good seasons, what would be about the market price of the land? That would be a very difficult question to answer.
1443. Would it increase 100 per cent.? It would considerably increase the value. I cannot say how much.
1444. Do you know the district well? Yes.
1445. How much land would be affected by this scheme? I cannot say, but I should think it would be 300,000 or 400,000 acres.
1446. Is half of that land, or three-fourths of it, or the whole, good land? With water it would be all good land. It is good soil. The trouble is the insufficient rainfall.
1447. Supposing you took the best of it, and had a guarantee of water supply or a sufficient rainfall, what would you consider to be a fair living area—that is, an area which would provide a man with a family of five, including himself, with a living if he went in for mixed farming or agriculture? From 300 to 400 acres.
1448. Supposing that no irrigation scheme be carried out, that this Bill will be rejected, and that the Government will not carry out any scheme, and dry seasons recur, what will be the effect in that district? It will practically be abandoned by the present holders.
1449. How much land has been abandoned there during the last ten years? 12,000 acres have been abandoned at Gunbar by settlers on Cowl Cowl. I cannot say the acreage, but it is hundreds of thousands of acres.
1450. It has been stated in evidence that over 600,000 acres have been abandoned;—is that correct? Yes; that would be adjoining Gunbar. I thought there was more than that.
1451. Without this scheme, but provided that you have fair seasons during the next five or six years, will the district go ahead again? I do not think so, unless fresh capital comes there.
1452. Do you think that confidence has gone altogether? Yes.
1453. Do you think that an irrigation scheme, if carried out by the Government or anybody else, would restore that confidence? Yes; there is no doubt about that.
1454. Is there much Crown land in the whole district affected by this scheme between the Murrumbidgee and the Lachlan? Yes; an immense area.
1455. Would that receive benefit from this scheme? Yes; I think it would be taken up. If people had irrigation blocks within a few miles of this country, so as to be able to depend upon growing fodder, it would be taken up, even if irrigation did not extend to that land, but was in the neighbourhood.
1456. Bearing that in mind, are you of opinion that any scheme of this sort would directly benefit the State as well as this district? I think the State would get the principal benefit.
1457. With regard to the people below the off-take, do you think they would suffer any other inconvenience, or do you think they would complain of any other bad effect beyond the loss of flood-water? I do not think so.
1458. Do you think that loss is not a real one? I think it is purely imaginary.
1459. Do you think the land on the south side of the river is much of the same class as that on the north side? Yes; if anything, it is a little better grazing land.
1460. Will that country be affected just as beneficially by irrigation as on the north side? I think so.
1461. Do you not think that any scheme providing for irrigation on the Murrumbidgee ought to provide for both sides? Yes.
1462. What is the nature of the tenure of your 5,240 acres? Part of it is freehold; the conditional purchases are paid up. About one in four is freehold.
1463. Have you 1,580 acres freehold, and is the rest leasehold? Yes; the rest is conditional leasehold. I do not hold any annual leases.
1464. How do you use that land? For cultivation. I started with sheep, but I had to give it up. The sheep were not a success, owing to the dogs. I had 1,200 breeding ewes, and they did not keep me in mutton.
1465. To what do you attribute your failure during the last five years? To the want of rain.
1466. Are you quite confident that a scheme of this kind would be the saving of the district? Yes.
1467. Is that the general feeling throughout the district? Yes.
1468. Do you think people want irrigation there? Yes; they say they must have it if they are going to remain there. I think a number of them would sell their properties to this Company, and would go on as tenants if they could do so.
1469. *Mr. Ferguson.*] Do you say that a good deal of the surface of this country has been blown away with the wind? Yes.
1470. Is it down to the clay now? Yes.
- 1471.



1471. Is there much of the land affected in that way? On the west part of Gunbar there is a good bit. There is very little on the east.
1472. Is there any quantity in the neighbourhood of the proposed channel? No; this channel comes through country that is sheltered. It has been partly timbered.
1473. Do you know where the proposed dam is to be? I do not know the country.
1474. Do you know the river flats all the way down? I do about Hay.
1475. Are they very valuable? No.
1476. Are a lot of them held by the stations? Yes.
1477. Do they not consider that their river frontages are more valuable than their back country? When I was appraising the land they said otherwise. They said it was flooded country—that the floods came down and spoiled all their grass.
1478. Did you think that was correct, and did it weigh with you in appraisalment? Yes; in many cases I made allowance and valued the flooded country lower than the unflooded country.
1479. Do those people now say that the flooded country is more valuable than the other, and that is why they object to the construction of the dam? They say so, but they told me quite differently when I was appraising.
1480. You did not expect them to tell you, when you were appraising the land, that the flooding made the land more valuable? I used my own judgment, and I do so still.
1481. What effect do you think the flooding has on the country? I think that in many cases if there was no flood water the country would be better.
1482. Then, what is the use of irrigating it? That is another matter. It is a different class of country. The flooded country is mostly polygonum country and crab-hole country.
1483. Is not the land that will be submerged cultivated? I do not think that there are 100 acres between Hay and Balranald.
1484. What do you value your land at now? About 7s. 6d. per acre, unimproved.
1485. Has it been reappraised lately. Yes; twelve months ago last August.
1486. What was it valued at? One block of 640 acres was valued at 11s. 8d. per acre. Another block of 640 acres was valued at 10s. an acre, and the balance was valued at 8s. 4d. an acre. There had been a crop on both the first blocks, and there was some stubble on the land. The surveyors valued the old stubble, but I do not think that land is better than the land valued at 8s. 4d. an acre.
1487. What was the original price of that land? £1 per acre.
1488. Do you believe in reappraisalment? Yes.
1489. Is your land under offer to the Company? Yes.
1490. At what price? At 25s. per acre.
1491. It is valued at 11s. 8d., at 10s., and 8s. 4d. per acre, and you are offering that to the Company at 25s. an acre? All that I have offered to the Company is improved. £2,840 was the value of my improvements.
1492. When does the option to the Company expire? Next December.
1493. What do you estimate is the value of land in that neighbourhood just now? Mine is not a fair average. My land is much better improved than the rest of it.
1494. Is the price which the Land Board has appraised your land at a fair average price for that district? Yes; I think it is full value.
1495. What area have the Company under offer there? I only know what I heard Mr. Gibson say—that is, 175,000 acres.
1496. Will the construction of the dam raise the value of the land? Yes, considerably.
1497. Will it treble its value? Fully that.
1498. Would it not be a wise thing for you to hold out longer? As a matter of fact, I refused to sell two or three times. When Mr. Gibson first wrote I refused.
1499. Have you sold it now? It is under offer. Last year, when I offered it, my crops failed, and I had to go to the bank for an overdraft. I preferred getting the money to being crippled. I do not care now if they do not buy it. The crops are looking up.
1500. Do you calculate that an area of 175,000 acres which Mr. Gibson has under offer at about £1 an acre, will be worth at least three times as much when the works are completed? I think so; and many more thousands of acres to the east of it will also be enhanced in value.
1501. Have you heard any serious objections from farmers lower down the river? No;—there are no farms lower down. The pastoralists are objecting.
1502. Is not the basis of their objection to this scheme, that it will deprive them of flood waters, which increase the value of the land? That is their only objection.
1503. When you were reappraising the land, did not they say that the flooding, instead of increasing the value of the land, had the opposite effect? They said so then.
1504. Now they say that it will be a serious loss if the land is not flooded? Yes.
1505. Do you know the land on both sides of the river? Yes.
1506. Can it be irrigated on both sides? Yes.
1507. Would you prefer these irrigation works to be constructed by a private company or by the Government? I think, if it is left to the Government, I shall never see it. Life is too short.
1508. Did you ever have any conversation with Mr. O'Sullivan? No.
1509. Do you not know that he hurries his work as a rule? When he has the money he does; but I think he is at the end of his tether.
1510. If the Government undertook to construct a main storage reservoir, and made a contract with the Company that they would spend at least £50,000 a year on the work, would you prefer that the Company should do the whole of the work? I think that would be all right. I would as soon have the work done by the State as by the Company.
1511. Would it not be to the advantage of the people consuming the water if the State had the supply in its own hands? I do not think so. We would have to pay a lot more if the State carried out the work.
1512. Take your experience of the State with regard to reappraisalment; you mentioned that your land was originally taken up at £1 an acre; it was reduced on reappraisalment to 10s. or 11s. an acre;—does that show you that the State is liable to increase or decrease the price? I consider that the State has acted splendidly to the land-owners during the last few years.

Witness—S. Nixon, 7 October, 1903.

1513. Do you not think that if the State undertook to construct these works, and supply water to consumers even at the price mentioned in this Bill, and the scheme proved successful, there would be an agitation on the part of the tenants to get the price reduced? I do not think so. There might be an agitation. If it could be shown that the water was worth the price charged, we should have to pay. When we got a reappraisal we showed that the land was not worth what was paid for it.
1514. Is it not a fact that on all works undertaken by the Government there is always an agitation to get what is supplied at less than what it is worth? I do not think so.
1515. Have you never heard of agitations for a reduction of train-fares and tram-fares? There will always be agitators.
1516. Is it not often given effect to, and has not railway carriage in the western districts been considerably reduced? Yes; they have made great concessions.
1517. Do you think those concessions would have been made by a private company? I think so; but perhaps not to the same extent. I think a private company would have done so to save the stock.
1518. Would it not be an advantage to the settlers themselves to have the control in the hands of the Government, for that reason? If the settlers get the water I do not think they mind who supplies it.
1519. Do you say that most of the settlers have sold out already? Many of them would be satisfied to go on as tenants. That is their wish if they can get water. When they sell their land they will get small areas and have money to carry on with. That is the intention of a good many.
1520. Do you think there is a prospect of this Bill becoming law? I have no idea. It would be a great pity if it does not.
1521. Will the holders be likely to sell 175,000 acres at £1 per acre to the Company, and after the works are constructed give £3 an acre to get it back again? No; they will pay the rental value.
1522. Will they not have to pay the rental value based on the carrying capacity? We could afford to do that if we had water.
1523. Do you think that is what they are inclined to do—that is, to sell their land for £1 an acre and pay a rental value of say £3 an acre? Yes; I think they could afford to do it.
1524. *Mr. Affleck.*] Do you know where the canal is to run? Yes, from the plans.
1525. You said in the former part of your evidence that you thought it would be about 9 miles away from where you are;—is that from the canal? Yes, 9 miles away from where the levels have been taken.
1526. Is that where the canal is to be? The promoters do not know that yet. I think if they can get good levels, they will run through my country.
1527. Will they run the water on to your place? Yes, if they can.
1528. What is the distance between the Murrumbidgee and the Lachlan? On an average, about 80 or 90 miles.
1529. Do you say that under this irrigation scheme people will be able to grow stuff for fodder, and that that would be likely to cause the land further back and near the Lachlan to be taken up? Yes; that is what I mean.
1530. You made a comparison as to what would be the benefit to this irrigated land by taking what was done on Mr. McCaughey's station as an example, and comparing that with what could be done in the Gunbar district or the country to be irrigated? The canal will come near McCaughey's property.
1531. How far is Gunbar from McCaughey's place? Over 100 miles.
1532. What sort of land is the Gunbar land, compared with the land on McCaughey's station? The soil is better at Gunbar.
1533. Is the Coonapara and the Cowl Cowl country similar to the Gunbar country? Yes.
1534. *Mr. Shand.*] What do you consider the vital months in the year for a supply of water? In April and about August. Our deficiency there is generally at the end of September.
1535. Do you rely on a watering before you sow the cereals? Yes; that would be early in April. But if there was not rain we would give another watering in August and finally in September.
1536. Take the case of fruit-trees: if you were irrigating fruit-trees, would you not require a continuous supply? Yes; during the summer.
1537. Irrigation is always essential in a year like 1902; if you knew that this scheme would leave you very short in September, October, February, March and April, would that change your idea with regard to it? No.
1538. Even though you might be very short in all those months? Yes; we would run the risk.
1539. Suppose there was a certainty, and you knew absolutely that next year was going to be like 1902? I would not cultivate.
1540. That would destroy your confidence in the scheme? Yes.
1441. If you knew there was a probability of a recurrence of last year, and you knew that in that season you would be absolutely short of water for four months, would that alter your opinion as to the scheme? Certainly not; I think there is nothing in it.
1542. Suppose it were a certainty that you were not going to get water for four months, in dry weather like 1902, would that alter your opinion of the scheme? I suppose it would if I knew it.
1543. Is it not essential that any scheme of irrigation must be continuous? Yes.
1544. You must be certain? No; some years you could do with less than in others. A little would be better than none. A little would pull us through.
1545. *Mr. Nathan.*] How many acres have you placed under offer to Mr. Gibson? 5,240 acres; the whole of my property.
1546. Do you know who is at the back of Mr. Gibson? No.
1547. With whom did you enter into your agreement? With Mr. Gibson.
1548. *Mr. Mackenzie.*] With regard to depriving the lands below Hay of flood-water, do you know that on the Victorian side of the Murray there are miles of embankments to keep off the flood-water? Yes.
1549. Do you know whether the country there is similar to the country below Hay? I may say now that when I was appraising land I had to deal with some land which was taken up at Moama at £3 10s. an acre. When I went down there, owing to its being subject to floods, the District Surveyor and myself recommended that the value should be reduced to £1 an acre, and it was reduced from about £3 to £1 per acre. The embankments on the Victorian side of the Murray threw the water on to our side. I said to them, "Why did you take up the land when you knew it was subject to flood?" They said that they did not know that  
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it was subject to flood, but that the embankments from Cobram to Goondrook and Swan Hill had confined the water, and threw it on to the New South Wales side; therefore, the value of that land was reduced from £3 5s. to £1 per acre.

1550. Are those embankments put there to keep the water off the Victorian side? Yes.

1551. Is that country similar to the Murrumbidgee country? Yes.

1552. With regard to Mr. Shand's question,—supposing that you knew that, in one year since the country was settled, there would have been a partial stoppage of supply in April, May, and June, would that prevent you from taking the risk of cultivating the land? No; I would still risk it. That might, perhaps, be only one year in a lifetime.

Hugh Giffen McKinney recalled and further examined:—

1553. *Mr. Mackenzie.*] I wish to ask you one question, arising out of a question put by Mr. Ferguson yesterday with reference to Colonel Home's report: in that report Colonel Home disapproved of the Coolacumpama Lake scheme as being too costly;—is that a scheme which you yourself abandoned as too costly? Yes.

1554. Did Colonel Home ever consider the Barren Jack scheme in connection with the northern side of the Murrumbidgee? No.

1555. *Mr. Shand.*] On the question of drainage, have you ever gone into the subject of subsoil? No.

1556. You heard the last witness's evidence, in which he said that there are only a few inches of soil, and that then you got on to a clay subsoil;—from your knowledge of irrigation, would it be necessary to provide a system of drainage there? It would not, in the class of country which this scheme is intended to deal with. I know the place that Mr. Nixon refers to. It is out on the open plains. The saltbush and all the scrub on the plains have been killed, or a large proportion, and there is no shelter for the soil. The result is, that the soil has been blown off large areas of the plains. Under this scheme it is not proposed to do any considerable irrigation on the plains at all.

1557. Do you know what the subsoil is? I know where this chocolate soil is. There is a very considerable depth of it, but I never had any trial pits sunk; but I do know there is a good depth of soil.

1558. Have you classified the land under this scheme? No; except that I have been over the land, and Mr. Gibson has gone over it more carefully. It has not been charted.

1559. Was not that method followed out in the Department before any scheme was adopted? There was very little of it done until quite recently. I understand Mr. Wade has been getting a good deal of it done.

1560. *Mr. Ferguson.*] You said the other day that the area likely to be submerged was over 4,000 acres? That was at Barren Jack.

1561. You said that it was generally rocky formation up there? No; I said that there was a small area of cultivated land, and that the rest was largely composed of slopes on the sides of the hills.

1562. Has your attention been called to a letter in this morning's paper with reference to that statement of yours? Yes; I noticed that letter. It is quite evident that the writer is under a misapprehension. He thinks that I was speaking of the area that would be submerged by a 200 feet dam. As a matter of fact, all the land of good quality that will be submerged by a dam 130 feet high lies near the junction of the Murrumbidgee and Goodradigbee Rivers, and it is a very moderate area.

1563. Do you know the mining properties which are likely to be submerged? Only by seeing them on the map.

1564. Are they likely to be submerged? Only a very small fraction of them, with a dam 130 feet high.

1565. Will not the water come very near to some of their shafts? It will come pretty near to one abandoned shaft on the Woolgarlo property.

1566. How far away? I am not quite certain, because the levels do not go far up on to the banks.

1567. Will it come within 50 or 60 feet? Possibly it might. Probably Mr. Wade could give you better information. An extended survey has been made since my time.

1568. Is the soil there very porous, and does the water drain away quickly, or does it lie about? I cannot say positively; I have not been on the land.

1569. Do you not think that if your dam were constructed close to those properties there would be a leakage of water into those shafts? I looked up the matter on the geological map. Judging merely from the formations shown there, I should say that it is not likely there would be a leakage.

1570. Would it increase their cost of pumping if these works were constructed? Judging from the formations, I should say it is unlikely; but, of course, I cannot speak positively. I can only judge by the geological maps.

1571. Are you a geologist? I am not much of a geologist, but I know a little about it.

1572. Do you know this particular country? No; I have not been over it.

1573. Do you know its value, or anything else about it? I made some inquiries as to the value of the country as grazing land, but not for mining purposes.

1574. What is its value for grazing land? I was told that there was very little grazing land there worth more than £2 or £3 an acre.

Leslie Augustus Burton Wade sworn and examined:—

1575. *Mr. Shand.*] What position do you occupy? Principal Engineer for Water Supply and Sewerage, Department of Public Works.

1576. How long have you occupied that position? Slightly under three years.

1577. What was your service with the Government before that? Twenty years.

1578. In what capacity? In the Public Works Department as an engineer during the whole period.

1579. During the last two and a-half years, have you been in charge of the Water Supply and Sewerage? Yes.

1580. Have you read this Bill and considered it in the light of the public interests, from the Departmental point of view? Yes.

1581. With regard to the general scheme, is the Department in favour of a particular scheme of irrigation on the north bank of the Murrumbidgee, with a storage reservoir at Barren Jack? Yes; the Department has a similar scheme in train.

Witness—L. A. B. Wade, 7 October, 1903.

1582. When was that outlined by the Department? I started on it when I took charge of the Water Supply and Sewerage, two and a half years ago.
1583. Is that the northern canal? I got a surveyor on to the upper portion of it about that period. He made the first survey.
1584. I believe you have surveyed for your self, or you have had surveyed, the proposed line of channel for the north Murrumbidgee? Yes; the upper portion of the channel is surveyed until you get rid of the initial difficulties at the head of the channel.
1585. Does the general line of the canal proposed by the Department follow a similar line to that shown on Mr. McKinney's plan? The line after the point I have mentioned that would have depended entirely on the classification of the land.
1586. Will you indicate roughly on the plan of the proposed canal produced by Mr. McKinney how far you have surveyed? The Departmental survey extends from Narrandera to opposite Whitton on this plan.
1587. How far would that be, roughly? About 25 miles. The Departmental survey covers the upper course of the canal. After that it would depend entirely on the classification of the land.
1588. What do you mean by classification? Suitable for irrigation. Some of the land out there is eminently unsuited for irrigation, and some of it is eminently suited for irrigation. It would depend upon where the largest blocks of suitable land exists.
1589. Has the Department an officer out there at present classifying the land? There is an officer at the present time classifying the whole of the lands that can be commanded from the Murrumbidgee. He started on the north side and he is engaged there at present.
1590. How long will it be before his work is available? I think his work on the north side should be available in a few weeks; but it will take some months before the whole area, including the south side, is available.
1591. Dealing particularly with this scheme, has the Department any actual knowledge at present of the area of irrigable country on the north? No.
1592. In your opinion, can anybody tell how much irrigable land there is until a proper classification has been made? There should be some sort of classification, even if it is a rough one.
1593. Have you a personal knowledge of the country through which this proposed canal would run? Only by cutting through it in a couple of places when making journeys.
1594. As far as the actual surveys have gone, can you say that the route of the canal goes through suitable irrigable land? There is some suitable irrigable land on the first length surveyed.
1595. Can you say to what extent? No.
1596. Taking it generally, may we assume that the Department recognises that there is in that part of the country a large area of irrigable land? I think there is more first-class irrigable land than there is water to supply.
1597. *Mr. Affleck.*] Even if the dam is raised 200 feet? Yes.
1598. *Mr. Shand.*] Do I understand from you, as voicing the policy of the Department, to say that the Department has no objection to this canal at all, under certain conditions, if the route is outlined with some degree of certainty? Yes.
1599. And if proper provision is made for ensuring that all land along the canal will be supplied with water according to their turn, and as long as water rights are not granted by the Company? Yes.
1600. Do I understand that the Department regard the price to be charged as a reasonable one? Yes; there is no objection to the maximum price.
1601. Have you gone into any figures as to the cost of the canals? No.
1602. Do you wish to say anything as to the estimated cost of the canals? No; I have not gone into it at all.
1603. We will now come to the dam;—have you described this place at Barren Jack as the key of the Murrumbidgee? Yes.
1604. Do you regard it as the most suitable part of the Murrumbidgee for the construction of a dam to impound a large body of water? Yes; it is the most suitable for a large storage dam.
1605. What interests do you regard as having to be properly served in constructing this dam? There would be three interests—the north side of the river, the south side, and the river people themselves who have frontages to the river.
1606. Looking generally at the north side and at the south side of the river, can you give the Committee any idea how the areas of supposed irrigable land would compare? Without a classification you cannot say definitely what comparative areas of irrigable land there are.
1607. Can you say that there is an equal, if not a greater, area which can be served on the south side compared with the north side? Yes; the actual area of land that could be served on the south side is greater than the area which could be served on the north side; but I think it is probable that there is more irrigable land on the north side than on the south side. I think it would be a fair division if you allowed an equal area for each side.
1608. With regard to the dam itself, you heard Mr. McKinney's statement as to the dimensions of the gorge in which this dam is to be built;—are they correct? Yes; they are practically correct.
1609. You have heard Mr. McKinney say that to build a dam with a concrete-body and a facing of ashlar masonry up to a height of 130 feet would cost £200,000? Yes.
1610. Have you gone into a calculation of the probable cost of building such a structure to a height of 130 feet? That is, with a base for 130 feet.
1611. Take it first with a base for 130 feet? I agree with Mr. McKinney that £200,000 would build a dam for 130 feet as the ultimate height.
1612. If you start the dam on a base suitable to a height of 130 feet, and if you afterwards decide to construct it to a height of 200 feet, would it be possible to add to it from the base upwards afterwards? If the dam is to be ultimately taken up to 200 feet, the only safe construction is to build the bottom 130 feet suitable for 200 feet in one operation.
1613. What would be the effect of building the base designed to go up to 130 feet and then subsequently adding the additional thickness required for 200 feet? There would be a liability to cleavage at the junction of old and new work, which would be very dangerous to the stability.
1614. Mr. McKinney himself did not seem to advocate that form of construction;—do you think any sane person would do it? I should not care to be responsible for it.

1615. Assuming that you have to build a dam 130 feet high, but suitable to be carried up to 200 feet, what would be the approximate cost of the dam? I estimate the bottom 130 feet of a dam ultimately to be taken up to 200 feet, to be about £450,000.

1616. That is, for 130 feet? Yes.

1617. Have you any estimate of what it would cost if raised to 200 feet? If it was constructed in concrete or rubble masonry, I estimate the dam itself at slightly over £700,000.

1618. That is, carried to 200 feet in concrete or rubble masonry? Yes.

1619. Is that the same as ashlar? No; that is rough stone. Ashlar is cut stone.

THURSDAY, 8 OCTOBER, 1903.

Present:—

MR. AFFLECK,  
MR. BYRNE,

MR. ASHTON,  
MR. FERGUSON,

Mr. D. R. HALL,

G. S. BRINER, Esq., IN THE CHAIR.

Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Mr. Nathan appeared for the Scottish-Australian Mining Company.

Leslie Augustus Burton Wade, recalled and further examined:—

1620. *Mr. Shand.*] Your estimate of the probable cost of a dam 130 feet high is £200,000;—do you agree with Mr. McKinney as to the amount of water which a dam 130 feet high would impound? Yes.

1621. Do you agree with him with respect to a dam 200 feet high? Yes.

1622. Do you agree with him practically on the figures? Yes.

1623. Have you gone into the question of how the supply would have been affected, assuming there had been a dam 130 feet high at Barren Jack during 1902 and part of 1903? The basis I have gone upon in investigating the matter shows that there would have been a total supply available throughout 1902 and the early part of 1903 of 800 cubic feet per second.

1624. So that, allowing for the 500 cubic feet per second which is proposed for the river supply under this Bill, that would have left 300 cubic feet per second? Yes; that is what would have been available for the canal.

1625. Assuming a flow of 1,250 cubic feet per second at Narrandera—that is, allowing 500 cubic feet per second for the river, and 750 cubic feet per second for the canal,—will you tell the Committee what, in your opinion, would have been the state of that reservoir, and the state of the flow during the various months? Yes; I have a diagram which I prepared to show the state of the river at Hay, and the behaviour of the reservoir at Barren Jack with a dam 200 feet high. This diagram is for 1,000 cubic feet per second at Hay. I estimate that quantity to be equal to about 1,200 cubic feet per second at Narrandera, or the amount asked for by Mr. Gibson in the Bill.

1626. Why did you choose Hay? Because we had the most complete records there; that was the only reason.

1627. Do you think that your allowance for loss between Hay and Narrandera is a reasonable one? Yes.

1628. Do you allow anything for loss between Barren Jack, Narrandera, and Hay? I have allowed for 25 per cent. loss between Barren Jack and Hay; 15 per cent. of that would be between Narrandera and Hay, and 10 per cent. between Barren Jack and Narrandera.

1629. Why do you allow for a larger margin between Hay and Narrandera? The course of the river is shorter; but there is a liability to loss in the alluvial flats which we have to pass through, and we have a much greater temperature, and there is more exposure to hot dry winds.

1630. Have there been any actual gaugings of the loss between those points? The losses that I have estimated are in accordance with investigations which we have had to make with regard to several of our rivers—the Murray and the Murrumbidgee principally.

1631. Are they practically the same set of circumstances that you have had to deal with when you have taken gaugings at different points? I consider them to be so similar that I have accepted them in this investigation.

1632. Do you think it is a fair thing to do so? Yes.

1633. Will you explain this diagram to the Committee? The red line on the diagram indicates the quantity of water in the Barren Jack reservoir with a dam 200 feet high; the reservoir would then contain 28,000 million cubic feet. The full black lines indicate the quantity of water, in cubic feet, passing Hay per month. The green line indicates the constant flow of 1,000 cubic feet per second going per month past Hay. The blue lines are the surplus in cubic feet per month going past Hay over and above 1,000 cubic feet per second, and which can be drawn upon in addition to those 1,000 cubic feet per second. The red line shows the behaviour of the reservoir. In 1894 the reservoir would fill and overflow. That was an exceedingly wet year. In 1894 the reservoir would, probably, have filled a dozen times over. Throughout 1895 the reservoir would have overflowed through the whole year; but it would have begun to have been drawn upon in January, and it would have so continued till May, 1896.

1634. How much would have been drawn from the reservoir at that time? About 3,500 million cubic feet—that is, from January up to May, 1896. The reservoir would then have filled and overflowed until February, 1897, when it would have been drawn upon until July to the extent of 5,000 million cubic feet. It would then have filled and overflowed until December, 1897, and it would then have been drawn upon until August, 1898.

1635. What would have been drawn then? Nearly 8,000 million cubic feet.

1636. Is 8,500 million cubic feet the capacity for a dam 130 feet high? Yes; the reservoir would then have overflowed until January, 1899, and it would have been drawn upon until July of that year, losing about 10,000 million cubic feet.

Witness—L. A. B. Wade, 8 October, 1903.

1637. Would that have more than emptied the reservoir with a dam 130 feet high? Yes. The reservoir would then have overflowed until January, 1900, when it would have been drawn upon until May of that year, during which period it would have lost 7,000 million cubic feet. It would then have overflowed until January, 1901, when it would have been drawn upon until September of that year, losing slightly over 7,000 million cubic feet. It would then have overflowed again until January, 1902. It would have been drawn upon until about September, 1903. That would have been from January, 1902. I am not quite right in saying that the reservoir would have been drawn upon for the whole of those periods. I would have been more correct in saying that the reservoir would not have again overflowed until the periods I have mentioned.

1638. Should that appear where you said that the reservoir would be drawn upon? Yes.

1639. May we take it that until 1902 a dam 130 feet high would have practically supplied the requirements under this Bill? Yes.

1640. Now we come to 1902;—when would the reservoir have been filled? In 1902 it would have ceased to overflow in January, and it would then have been drawn upon continuously until the beginning of May, 1903, with the exception of one short period in July, 1902, when there would have been a slight surplus over 1,000 cubic feet per second, and the water in the reservoir would have been slightly added to. That would have been drawn off again in the following month.

1641. What would have been taken out of the reservoir during that period? I estimate the whole 28,000 million cubic feet would have been drawn upon during that period.

1642. Is that the total capacity of a reservoir with a 200 feet dam? Yes.

1643. Taking it at 130 feet, when do you estimate that they would have had a short supply? The reservoir would have been emptied in 1902, and from that onwards we would have had to depend upon the flow in the river only, which would have meant a serious shortage in June. In July there would have been a surplus; in August there would have been a small shortage; in September a greater shortage.

1644. What do you estimate would have been the shortage in September? There would have been an average shortage of about 300 cubic feet per second in September; in October there would have been almost a full supply; in November there would have been a shortage of about 500 cubic feet per second; in December there would have been no water for the canal. In January, 1903, there was a much better flow in the river, but there would have been again a shortage of about 300 cubic feet per second. In February there would have been no water for the canal; in March also there would have been no water for the canal; it would have been the same in April. From that time onward there would have been an ample supply. In speaking of the monthly periods, I may say that this is taken out for the average monthly supply during the month; possibly in the earlier or later part of the month there might have been a supply. I only deal with the month as a whole.

1645. Can you tell from the diagram in what part of the month the rain fell? No.

1646. In estimating the quantities for the purposes of that diagram, have you taken into consideration the flow of the Tumut? Yes.

1647. And the flow of all the water which, as far as you know, comes into the river, from the information at the disposal of the Department? Yes.

1648. Would a dam 130 feet high be sufficient for the project which is put forward in this Bill? I do not consider that it would have ensured a full supply during the dry portions of 1902 and 1903.

1649. Do you regard the shortage shown by the diagram as a serious detriment? Some of the shortages occurred at a vital time.

1650. What do you think is the least height which the dam should be to ensure a flow at Narrandera of 1,250 cubic feet per second? The least height in a year such as 1902 should be 200 feet.

1651. You heard Mr. McKinney's evidence that he has not taken silt into consideration in estimating the storage of the reservoir;—is silt a matter which has to be considered to a great extent? It has to be reckoned with, and I have taken it into consideration.

1652. But not for the purposes of that diagram? No.

1653. You have assumed that the reservoir would be full and free from silt? Yes; I have taken it into consideration in estimating the cost of the work, and with a view to the cost being extinguished by a sinking fund.

1654. When you gave us your estimate of the cost of the dam, had it anything to do with silt? No.

1655. But in taking out estimates for the Department of the cost of the work, and the probable return from it, have you allowed something for silt? Yes.

1656. Is there any time which you can suggest when, in your opinion, by reason of the silt, the dam will be ineffective? I think the silt will continue gradually from the date of the completion of the dam, and the efficiency of the dam will gradually decrease as the silting proceeds.

1657. Will it ever prevent the dam being an effective structure? A time will come when the matter will have to be gone into; and either the height of the dam will have to be increased, or a new dam will have to be constructed. No data was obtained in the Department until within a month or six weeks ago as to the amount of silt carried in suspension in our rivers. I sent out instructions, six weeks or a couple of months ago, to the gauge readers at Gundagai, Cowra, and Albury, to take observations throughout the year as to the quantity of silt carried in suspension. We have no data at present; we have simply to rely on the experience of other countries.

1658. Judging from the experience of other countries, do you agree with Mr. McKinney that the silt will be deposited at the far end of this reservoir, and that it will really not affect the part near the dam? The heavier silt will be deposited at the upper end, the medium silt lower down, and the extremely light silt at the wide portion of the reservoir towards the dam.

1659. For what distance above the dam will water be impounded? Water will be thrown back about 40 miles by a dam 200 feet high.

1660. How far back will it be thrown by a dam 130 feet high? I cannot say exactly at present, but it will be thrown back for a very considerable distance.

1661. In view of what you said yesterday as to three interests having to be served by this dam, viz., the river and the country on the north and south banks, what proportion of the water to be impounded by the reservoir would be a fair quantity to allow for this scheme? I think one-third of the stored water would be a very fair proportion to allow for the north side.

1662. Do you estimate that a 200-foot dam would store a supply of water sufficient to give 1,250 cubic feet per second at Narrandera? Yes; in the driest year on record.

1663. Do you think that that is as large a quantity as the Government could safely contract to deliver in all seasons with a 200-foot dam? I think that is the only safe quantity the Government could enter into a contract to deliver.

1664. If this Bill had been law during 1902, would the Government have been just able to do that according to your diagram? Yes; in the good years for certain periods for every year, except 1902, they could have been supplied with a larger quantity. Those periods are shown between the blue lines on the diagram.

1665. Would it really have been only in 1902 that you would have had a serious shortage? Yes.

1666. Have you any suggestion to make as to how the cost of the construction of this dam should be provided for? Yes; I consider that if a contract were entered into between the Government and the promoter of the Bill for the supply of a minimum of 400 cubic feet per second, a fair basis on which to arrange the price would be one-third of the cost of the dam.

1667. In other words, if the Government guaranteed to supply 400 cubic feet per second, the promoter should pay as much as would meet the interest on one-third of the cost, together with a sum which would form a sinking fund to pay off one-third share of the cost? Yes.

1668. Within what time do you think a sinking fund should operate to pay off the cost? I think the sinking fund should be such as to extinguish the cost of the dam altogether by the time it is silted up. Meanwhile you would have funds available for adding to the structure, if possible, or for constructing another storage.

1669. Can you give the Committee any idea as to the time when the dam may be fairly regarded as ceasing to be an effective structure by reason of the silt? It is very hard to say definitely without the data that I am trying to get; but, as a basis of calculation, I have taken it that the debt should be extinguished in fifty-five years. That would mean  $\frac{1}{2}$  per cent. in addition to the 4 per cent.

1670. What you suggest is, that they be charged the sum representing 4 per cent. on one-third of the total cost of the dam, and  $\frac{1}{2}$  per cent. to provide a sinking fund for its replacement? Yes.

1671. Then we may take it that you do not regard the proposal of the promoter to pay 4 per cent. interest on a sum not exceeding £100,000 for a supply of 750 cubic feet per second as a fair thing for the Government? I do not consider it would be.

1672. In a good year, you propose to supply a minimum of 400 cubic feet per second;—what would the Department be agreeable to provide in times of plenty? I think the Government would be prepared to allow them one-third of the surplus over and above 1,200 cubic feet per second, until their maximum of 750 cubic feet per second was reached, without any additional charge.

1673. What are your views as to whether the dam should be constructed by a private individual or by the Government? I think it is essential that a work of this description, which is practically the key of the whole of the Murrumbidgee River, should not go out of the hands of the Government. It should be under the control of the Government.

1674. Do you mean both the irrigation and maintenance? If the Government are not in a position to erect a dam themselves, and they allow a company to carry out its construction, it should be so arranged that the control should still remain in the hands of the Crown.

1675. What difficulties do you foresee in allowing the management of the dam to pass out of the hands of the Government? Because there are three distinct interests involved in it—the north side, the south side, and the river itself.

1676. Of course, if it is in the hands of a company, they may provide 500 cubic feet per second for the river, but the land on the south side may be entirely waterless; and, in your opinion, has the southern side an equal right to share with the northern side? Yes.

1677. Can you say whether the Government propose to submit to Parliament any project with regard to the Barren Jack Reservoir? It is to be placed before the Public Works Committee during this session of Parliament.

1678. Can you, as an engineer, tell when the project may emerge from the Committee? No.

1679. Would the time when the option of constructing the dam would pass from the Government have to be fixed after the Public Works Committee decided the question? It would be better.

1680. Would the passage of any Bill which prevented the Public Works Committee deciding the matter be prejudicial to the interests of the Department? Yes.

1681. When this Bill came before the Department, did you write a minute, which has since obtained the approval of the Minister, making suggestions for the inclusion of provisions in this Bill? Yes.

1682. Do you regard the provisions which are set out in that minute as being necessary, from a Departmental point of view? Yes. The minute is as follows:—

#### GIBSON'S IRRIGATION BILL.

##### Principles Suggested for Embodiment.

Gibson's Bill provides for the construction of a canal from the Murrumbidgee, below Narrandera, to serve the country between that river and the Lachlan River; also the construction of a storage reservoir at Barren Jack, to ensure the supply to the canal in dry years.

The Bill being now before a Select Parliamentary Committee for report, it is necessary for the attitude of the Government and the Department towards the proposal to be defined, so that any modifications required may be suggested in evidence.

Firstly, as regards the construction of the canal, this is purely a question of Government *versus* private control. If the Government, in this instance, concede the right of construction to private enterprise, then the rights of land-holders to an equitable distribution of the available water, must be safeguarded, so that no undue preference is given to any particular area, and conditions obtained as near as possible to those under other Government schemes of a similar nature that are proposed.

For instance, in the Murray irrigation project now under preparation in this Department, a block of about 1,000,000 acres will be divided into trust areas, and every landholder will be entitled to a supply of water for irrigation purposes proportionate to his area.

In Gibson's scheme, the area proposed to be served is most indefinite. The promoter has stated, in evidence, that it is his intention to obtain large areas of unoccupied Crown lands, or to purchase freehold lands and subdivide into small farms. It is possible that under these conditions the water may be taken past the doors of people willing to purchase water for the purpose of irrigating a proportion of their holdings, but the water may be unobtainable, owing to a water-right already having been sold attached to land disposed of by the promoter. The whole of the areas so disposed of may be under irrigation, whereas the other party is unable to obtain water for a portion only of his holding.

It

Witness—L. A. B. Wade, 8 October, 1903.

It may be argued that under these conditions only can irrigation by private enterprise be made to pay.

I would recommend that if the right to the construction of the canal be conceded, it should be on the condition only that the area of land to be dealt with be defined at a later date and approved of by the Government, and that every landholder within that area be entitled to a share of the water proportionate to the area of his holding.

As regards the construction of the storage reservoir, it is unquestionable that successful irrigation from the Murrumbidgee on the scale proposed is contingent on sufficient storage being provided to tide over dry periods, and that the investment of capital is only justifiable on the assurance that such storage of an adequate amount is provided.

The Bill provides that should the storage at Barren Jack be not commenced by the Government by 1st June, 1904, and a minimum amount of £50,000 per annum be expended in the next and ensuing years, until a height of 130 feet has been reached, it shall be lawful for the promoter to construct the work and take from the reservoir thus formed a supply of 750 cubic feet per second for the proposed canal, provided a minimum flow of not less than 500 cubic feet per second is allowed past the canal off-take for the use of the lower river.

In the event of the dam being constructed by the promoter, it shall be designed to the approval of the Minister, and may be of such dimensions as to be capable of being ultimately raised to a height of 200 feet.

Should the work be carried out by the Government, the promoter to be entitled to a supply of 750 cubic feet per second on the payment of 4 per cent. on one-third of the cost of construction of the dam to a height of 130 feet, provided such one-third does not exceed £100,000.

Further provision is made for the resumption of the work by the Government if constructed by the promoter, water to be supplied on the same terms.

I cannot recommend the acceptance of these provisions. It is essential that the control of the reservoir, which virtually means the control of the river, should remain in the hands of the Government, irrespective of the means by which the work is constructed.

In the event of it not being constructed by the Government, it can be attained by either one of two ways, viz., that the Government pay the promoter for the work as it proceeds by the issue of debentures, or that interest on the cost of the work be guaranteed.

By whatever means the work is constructed, the only arrangement that can be made for the supply of water is by measure at a specified price at the canal off-take, leaving the Government the responsibility of satisfying individual and inter-State riparian rights.

Should these broad principles be indorsed by the Minister, the details can be elaborated and placed in evidence before the Committee. Should they not be embodied, I strongly recommend that the Bill be opposed by the Government in the House.

The following is the minute written by the Under Secretary :—

25th September, 1903.

I concur generally with Mr. Wade that (a) the right to construct the channel may be granted provided that the area of land to be irrigated be defined and approved at a later date; and (b) that should the Government not commence the construction of Barren Jack by June, 1904, Mr. Gibson be empowered to construct, and the Government reserve the right either to pay for it as the work proceeds or to take it over at a later date at the cost thereof, payment to be made either in the one case or the other by Government debentures bearing interest at 4 per cent. per annum. Should the Government pay as the work proceeds, then Mr. Gibson to be charged a price per 1,000 cubic feet for the water; for the water diverted and supplied from Barren Jack to be arranged. Should, however, the Government decide to allow Mr. Gibson to construct, then, until the reservoir is taken over by the Government, Mr. Gibson to pay an amount per annum which would cover out-of-pocket expenses incurred by the Government until such time as the work is taken over, when the price per 1,000 cubic feet is to be paid.

J. DAVIS, Under Secretary.

Approved,—E.W.O'S., 25/9/03.

1683. In the last part of this minute Mr. Davis says: "Should, however, the Government decide to allow Mr. Gibson to construct, then until the reservoir is taken over by the Government, Mr. Gibson to pay an amount per annum which would cover out-of-pocket expenses incurred";—what is the meaning of that passage? I think he refers to the surveys and preliminary work which Mr. Gibson will have the benefit of, and which he has not paid for.

1684. As Mr. McKinney says the Government have surveyed the site of the reservoir and of the channel for 25 miles, and he has had the benefit of those surveys? Yes.

1685. Has that cost the Government a considerable sum of money? Yes; particularly the survey of Barren Jack.

1686. Will some of the objections which you raise in that minute be got rid of by Mr. Gibson's assurance that there is to be no sale of water rights, and that he will guarantee a fair share to all persons through whose property the canal will pass? That is correct.

1687. Have you made any statement as to what amount of land will be submerged by the water in the reservoir? No; but it is all set forth on the plan of the Barren Jack Reservoir. I may say that the survey does not go up to the extreme point to which the water will be backed up. The proposal for the construction of the reservoir was only a tentative one at the time, and we only spent sufficient money to cover the area where the bulk of the water will be stored.

1688. Does this plan not cover the whole of the land to be submerged, but covers it as far as the detailed surveys go? Yes.

1689. Does the map show detailed surveys for 8 miles in a straight line from the dam up the Murrumbidgee? Yes.

1690. As no detailed surveys exist beyond that distance, but only flying levels, are you unable to say accurately what extent of country will be submerged beyond that? Yes.

1691. Is that on the basis of a dam 200 feet high? Yes.

1692. Have you gone into the question, approximately, as to how much country would be submerged in those 8 miles? No, we have not gone into the matter. The whole question was really a tentative one until it was brought to a focus by this inquiry.

1693. *Mr. Ashton.*] Did you not say something about the water being backed up for 40 miles? Yes; we have sufficient flying levels to know that the water will be thrown back about 40 miles, following the river.

1694. Is it impracticable to get that information at present? We are going to obtain it at once. We will have it for the Public Works Committee, but not for this Committee.

1695. *Mr. Shand.*] In the course of your readings on irrigation, can you say what is the trend of feeling in America, and whether it is in favour of State-constructed works, or works by private enterprise? The latest legislation in America is called the Carey Act, which provides in the Western States for the segregation of 1,000,000 acres of public land, to be handed over to the State for the construction of State works in connection with irrigation. Those State works take the form of storage, and in some cases the storage and the whole of the canals as well.

1696. Can you say that it is the trend of feeling in America that the public authorities should, at any rate, construct the head works? Yes; that is the latest federal legislation.

1697. Do you think that the Government here should either construct or retain control of the head works? Yes.

1698.



1698. *Mr. Ferguson.*] Is not that also Mr. Irvine's proposal in Victoria, that the State should construct the head works? Yes.

1699. *Mr. Shand.*] With regard to clause 23 of this Bill, have you made a note that the clause should provide for the maintenance of road crossings? Yes.

1700. In your opinion, should that be so? Yes.

1701. That wherever the promoters of the Bill construct a crossing for their canal, they should provide for the maintenance of it? Yes, between their boundaries.

1702. It has been contended that there was a road in existence, and that the public should maintain it;—do you say that the promoter should maintain it? He has to provide a crossing over the channel in the form of an approach. It is usual in private Railway Bills for the approaches to crossings to be maintained by the company.

1703. Is that on the public roads? Yes.

1704. I think Mr. Gibson said he was agreeable that where any channel or aqueduct constructed by the Public Works Department was interfered with, the work should be carried out to the satisfaction of the Public Works Department; and that in the event of a channel constructed by a private individual under the Water Rights Act being interfered with, it should be carried out to the satisfaction of the private individual? Yes.

1705. Do you also think it is necessary that the promoters should be bound to commence the project within a specified time? Yes.

1706. And also to complete it within a specified time? Yes.

1707. *Mr. Nathan.*] Would what you have said about a road being interfered with apply equally to a ford across the river which has been used for years—for instance, from the Goodhope property to the southern side of the river there has been a ford for years for people going to Yass;—if a bridge were to be constructed there, are you of opinion that it should be maintained by the promoters? No.

1708. Why not? It may be impossible to do so.

1709. For instance, if this dam had the effect of backing up the water so as to stop the right-of-way across the river, how would you propose that the people on the northern side should get over to the southern side? I presume we should have to pay for whatever damage we do.

1710. Suppose that the promoter takes a portion of the Goodhope property, and that that interferes with the ford across the river, how would you propose to deal with that? It is wholly a matter of compensation.

1711. If a bridge would meet the difficulty, should that be maintained by the promoters? It might be cheaper to compensate than to build a bridge. For instance, a 200-foot dam will hold the water back to the deck of the Temas Bridge, which means that the Temas Crossing, an important road, will have to be abandoned and another road made somewhere else. These matters have all to be provided for. As far as the Department is concerned, this has only been a tentative proposal up to the present. Now that it has to be placed before the Public Works Committee, the whole thing will be worked out in detail.

1712. Are there any surveys or levels taken which will enable you to tell what portion of the Goodhope property will be flooded by this dam? No.

1713. Supposing we sent an engineer up there, in order that we might be able to call evidence, would it be possible for us to do so except at very great expense? I think you could get the information in a few days. We have flying levels all up the river-bed, and I think there is a level established right through the property. I think a surveyor could get the information approximately in a few days.

1714. If we call evidence on that point, will it cause great expense? It may take some days, perhaps a couple of weeks, to get the information.

1715. If this dam be constructed to a height of 200 feet, will it supply the people on the southern side with water for irrigation purposes as well as the people on the northern side? That is the object of having a 200-foot dam.

1716. *Chairman.*] And to provide for the river besides? Yes.

1717. Beyond the 4½ per cent. that you propose to charge the promoter on one-third of the cost of the dam, is there any proposal so far by the Department to apply the betterment system to the land treated by this scheme along the canal? Not that I am aware of.

1718. Is it merely proposed to sell the water by measure? What I regard as the only arrangement that can be come to between the Department and the Corporation would be to dispose of water to them by measure at the off-take of the canal, and I have thrown this out as a suggestion for a basis on which to arrive at the charges.

1719. Under the Public Works Department's proposal, would the whole of this work be placed in the hands of a trust? Yes, if carried out by the Public Works Department.

1720. As a State work? Yes.

1721. Would 4 per cent. be charged on the whole of the works? I do not think so in this case, because there are three interests to conserve. If this were a State work, I think the reservoir would have to be constructed as a State work and water would have to be sold by measure to the trusts. Then the area inside the trusts would pay 4½ per cent. or 5 per cent., whatever might be fixed, on the cost of the construction of the works.

1722. Presuming that the irrigated area comprised three trusts, would any proposal emanating from your Department stipulate that the people within that irrigable area should take the water—that is, would there be any compulsion? There would not be compulsion, but the trust would practically be on the same basis as the supply of water in Sydney, where you can pay without taking the water, but you cannot take the water without paying.

1723. They need not take the water, but they will have to pay? They will have to pay rates to the trust. The water rate will entitle them to a certain quantity of water and they can take it or leave it. Over and above that quantity they will have to pay for it. It would be on all-fours with the Sydney Water Supply and Sewerage.

1724. Do you know of any work where a sinking fund has been instituted and carried out? The Water and Drainage Act, under which this work would be carried out, only became law in December last year. We have got out a large number of proposals under the provisions of that Act, some of which are under construction at present, but none are completed. Every one of these proposals includes a provision for a sinking fund.

Witness—L. A. B. Wade, 8 October, 1903.

1725. Are those proposals under the Water Conservation and Drainage Act, passed last year? Yes.
1726. Did not that Act provide for the raising of £200,000 as a special loan for carrying out the works? Yes; £200,000 per annum for five years.
1727. Was that sum of £200,000 raised in accordance with the Act? It has not been raised.
1728. Has no part of the £200,000 been raised under that Act? I do not know that any money has been specially raised under that Act.
1729. Do you know how much was spent last year on water conservation and drainage? We have spent over £100,000 since the Act was passed.
1730. In any of the proposals which you have under consideration, or which are in process of being carried out, is the principle of a sinking fund involved? A great amount of that expenditure has been incurred in carrying out such works as tanks and wells and public watering places; but the whole of the proposals we have made under the Water and Drainage Act include a sinking fund. The sinking fund varies with the nature of the work. If it is a perishable work, the sinking fund provides for the extinction of the debt in twenty years, and in other works in fifty and sixty years.
1731. Did you state, in your evidence, that you thought the control of the Barren Jack Reservoir should not go out of the hands of the Government or the Public Works Department? Yes.
1732. Did I understand you to say that the Department would be prepared to allow the promoters to construct this canal, and to pay them interest on the cost of construction at the rate of 4 per cent., or to give them Treasury Bills for the amount as the work proceeded? That is in connection with the Barren Jack Reservoir. That was a suggestion I made.
1733. Not speaking officially, but as an outsider, would you be prepared to agree to that proposal? Perhaps I should put it this way: there is a somewhat similar reservoir being constructed in connection with the Sydney water supply at the Cataract River. A contractor made an offer to us last week to complete that reservoir, and to accept payment in debentures.
1734. Giving an outside opinion, do you think that is a reasonable thing to ask of the promoters? I do not think it is unreasonable. We have had several offers during the last couple of months to carry out works, and to take payment in debentures.
1735. In nearly all works carried out by the Government, such as railways, tramways, and waterworks, is there not always some trouble, not only in collecting the rates agreed upon, but in dealing with demands for concessions? No doubt there are plenty of applications for concessions, and they are sometimes granted.
1736. Do you admit that this would be a local work? No; it is a national work. It is far from being local, because it deals with the whole basin of the Murrumbidgee from that point.
1737. Would it be fair for the Government to carry out a scheme of irrigation for the north side of the Murrumbidgee which would involve the loss of interest, and which would have to be made up by taxes imposed upon people in all parts of the State? That is a question of State policy. With regard to the Carey Act in America to which I have referred, the Federal Government of the United States practically hand over 1,000,000 acres to the State Governments for the construction of these works—that is, they practically give way 1,000,000 acres which they could dispose of for hard cash and use for the purposes of the Government.
1738. You say that this should be a State work, but do you think there is a reasonable prospect of the Government carrying out this work? The Government are in the hands of the Public Works Committee. The Government are now about to submit the proposal to the Committee, but when it will emerge from there I do not know.
1739. *Mr. Ashton.*] And then has it not to be dealt with by Parliament? Yes.
1740. *Chairman.*] When is it proposed to be submitted to the Public Works Committee? Almost immediately. I am preparing a statement at the present time for submission to the Committee.
1741. With regard to the shortages you spoke of for 1902 and 1903, are they based on a dam of 130 feet or 200 feet? You can arrive at both from the same diagram.
1742. In arriving at those figures, did you allow for the ordinary average rainfall over the catchment area? No; the figures are based on the actual measured flow of the river.
1743. *Mr. Ashton.*] Can you say how long it is since that state of things prevailed in the Murrumbidgee before 1902? I would not like to say.
1744. Is there any record showing the same state of things? We have records by the Government Astronomer of the river levels going back a number of years.
1745. Do those records show that the same state of things that existed in 1902 ever existed before? I would not be prepared to base an estimate on far-back periods. First of all, the whole question is governed by the real discharge of the river. The estimated amount might be very seriously altered if there has been an alteration in the river bed. In the report put in by Mr. McKinney, when giving his evidence, you will see a diagram at the end of his report showing one particular gauging-station on the Murray where the river silted up 4 feet in about four years. If that sort of thing was going on in the seventies and eighties, any deductions drawn from the records might be altogether wrong.
1746. The flow of the river went down to 19 cubic feet per second at Hay during 1902;—is there any record of so small a discharge at that point before? I cannot say, but I will make inquiries.
1747. Is it likely that there is any such prior record? Whatever the record might be, if the river bed altered a couple of feet it would affect the discharge by 300 per cent. or 400 per cent. For the years between 1894 and 1903 which I have dealt with we have correct data.
1748. Apart from the condition of the river bed, is there any record of the discharge at Hay being of so small a volume as in 1902? It is only of recent years that we have records of the actual discharge. The others are only records of the actual readings.
1749. Are the old records simply the height of the river, and not the flow? Yes.
1750. Might the height be great while the flow was small? Yes. In the lower flows the river scours channels, and those channels may silt up again. A slight variation in the river bed might make a great difference in the volume of water.
1751. *Chairman.*] Is it generally recognised that a system of irrigation is badly needed in this particular district? Yes, the Department recognises that, and will give every assistance to carry out this scheme.
1752. I presume that the shortage which you say occurred in 1902 and part of 1903 would have occurred even if the Government had built this dam according to the specifications you have mentioned? Yes; the shortage would have occurred under any circumstances. 1752.

1753. Even with those shortages, would the district have been much better off with this dam than it has been for the last ten years? Yes.

1754. *Mr. Affleck.*] Is it not a fact that the greater portion of the water which comes into the river above the proposed dam is snow water, and is not dependent on the rain? Yes; the greater portion of it is snow water.

1755. Is the whole of the water in the Goodradigbee River snow water? The Goodradigbee has proved itself to be almost as good as the Murrumbidgee.

1756. *Chairman.*] Do you know anything about the Goulburn River irrigation works in Victoria? Yes.

1757. Is it not proposed there to take out of the Goulburn River a quantity of water equal to 750 cubic feet per second for each side of the Murrumbidgee River, and allowing 500 cubic feet per second to flow in the river? Yes; I think it comes close to that. A channel has been constructed of that capacity.

1758. Do they suggest there that they are interfering in any way with State rights or riparian rights? No; I do not think it troubles them much. In connection with that I may point out that the quantity of 1,200 cubic feet per second to be supplied by the Barren Jack Reservoir is the absolute minimum. In certain portions of every year, except 1902, that supply would have been very largely increased.

Joseph Davis, Under Secretary for Public Works, sworn and examined:—

1759. *Mr. Shand.*] Do you remember a minute, prepared partly by Mr. Wade and partly by yourself, which was approved by the Secretary for Public Works? Yes; you refer to the minute which was prepared when Mr. Gibson laid his proposals before the Government.

1760. When the scheme was before this Committee? Yes; that is the minute to which I refer.

1761. Has that minute your approval, and, in your opinion, is that the attitude which the Department should take in the interests of the public? Yes, generally.

1762. We have heard from Mr. Wade that the Government are setting apart irrigation areas in the Murray district, to be watered by the Murray River? That is under consideration, but no definite conclusions have been arrived at.

1763. Are you getting out schemes for watering a very large area, and have you also prepared a scheme for the northern Murrumbidgee, which is practically identical with the one before the Committee, and also one for the southern side of the river? Yes.

1764. As far as you are advised at present, in the ordinary course will the irrigation of the southern side be carried out? I think they must both be eventually; by whom remains to be seen.

1765. Is it necessary for Parliament, in giving sanction to this scheme, to also provide a supply for the southern part of the Murrumbidgee? This scheme involves the consideration of the disposal of the waters of the Murrumbidgee, and necessarily any supply that is arranged for the northern side must take into consideration the question of what would be required on the southern side, and also the volume that should go down the river to supply the riparian rights of the owners and the State of South Australia. The question is involved in the inter-State aspect of the case, and whatever is done, that must be borne in mind.

1766. Do you say that the southern bank of the Murrumbidgee has an equal claim with the north, as far as the Government are concerned? The land on the southern side has an equal claim to the land on the north.

1767. We have heard that 500 cubic feet per second is proposed under the Bill to go down the river after supplying the canal;—is that sufficient? It is very difficult to say at this stage, because it depends so much on whether navigation is to be maintained, and whether or not locks are to be put in. I think we can speak definitely as to our attitude as a State in regard to that matter.

1768. May we not leave out the inter-State question? It is so involved that I think it cannot be.

1769. Was not some inter-State agreement submitted for approval? It has not been submitted so far, but it has been provisionally agreed to by the Premiers.

1770. Is it proposed to submit it to the Parliaments afterwards? Yes.

1771. Would 500 cubic feet per second for the river interfere with the scheme as drawn up? No.

1772. Would that be sufficient under the arrangement which has been come to? Yes.

1773. We have been told that this Barren Jack Dam is the key to the Murrumbidgee;—do you agree with that? Yes.

1774. As far as you know, is that the only practicable place where a large body of water can be conserved? I agree with that.

1775. How do you regard the question as to whether the dam should be constructed by a private individual or by the Government? I do not think it would be good policy—in fact, I think it would be most dangerous to the interests of the people of the State—to allow it to pass out of the hands of the Government. Supposing the Government did not proceed with the work, some sort of arrangement might be made to enable the work to be carried out by private enterprise, and then to be taken over by the Government. Then, perhaps, there would not be so much objection if all the conditions could be made agreeable to both parties; but to alienate permanently in any way the waters of the Murrumbidgee would be a fatal mistake.

1776. Are there not provisions in the Bill under which the Government may resume the dam? Yes.

1777. If it is constructed by a private individual, can it be resumed? Yes.

1778. In any case, do you think the dam should be built by the promoter, according to the specifications of the Public Works Department, or to their satisfaction? It must be. This site is the only good one on the Murrumbidgee for the purpose for which it is intended to be used. It would, therefore, be necessary, in making use of the site, to consider the use of the water both on the southern and the northern sides; in other words, the whole of the flats in the Murrumbidgee district. That being so, it would not do to erect a dam simply for the northern side.

1779. If carried out by the promoter, do you think it should be constructed according to the specifications of the Department, or according to specifications approved of by the Department? Yes; and having regard to the supply of the southern side, and of all the interests which have to be considered.

1780. Did you go into the quantities that would be served by dams of different heights? I left that to Mr. Wade. He showed me the diagram which he prepared, and I went through it with him.

1781. Did you go through it and check the diagram with the records? Yes, generally.

1782. Did you find that the diagram was correct? Yes.

Witness—J. Davis, 8 Oct., 1903.

1783. Do you agree with the sections as shown on the plan? Yes; Mr. Wade assumes that 1,200 cubic feet per second can be diverted either from one place or the other with a storage of 28,000 million cubic feet. I agree with that. That is under the very worst conditions. The years 1902–1903 were the very worst on record; and even taking that into consideration, the Barren Jack Reservoir would provide 1,200 cubic feet per second.
1784. That is, if constructed to a height of 200 feet? Yes; that is under the very worst conditions. If you take other years there would have been ample and to spare.
1785. Have you gone into the question of cost? No, not into the details. That will all depend upon the style of the dam. The whole question hinges on what kind of dam is to be constructed.
1786. Have you gone into the cost of any particular kind of dam? No, not into details. In connection with that I might mention to the Committee that, realising that some steps should be taken by the Government with regard to the construction of this dam, surveys have been made and a proposal was submitted some time ago to the Minister to proceed with the work under the Water and Drainage Act of 1902, at the rate of say £50,000 per annum. We all recognised that the Barren Jack Dam was the key to the position, and that unless it were constructed nothing could be done in the way of irrigation on the low lands below Narrandera. The Minister eventually agreed—perhaps in view of the action now being taken before this Committee—that the question of construction should be referred to the Public Works Committee, and he instructed me to prepare a resolution to that effect. I presume that in due course he will submit it to the Legislative Assembly, in accordance with the Public Works Act, 1900. In the meantime it is realised that before the Public Works Committee can properly investigate the question it is necessary that the Department should be in a position to advise the Committee as to what kind of dam should be constructed. On my advice, the Minister has consented to Mr. Wade going to San Francisco, where some large rock filled dams have been constructed. That is the only part of the world where they have been constructed. If a rock filled dam be found practicable, Mr. Wade estimates that a saving of £250,000 will be effected. That is problematical, and we shall have to wait until he sees the actual thing. It is of such vast importance to the State that it is well worth investigating. Furthermore, seeing that Mr. Darley is in London, and within reasonable distance of the site of these dams, and that he is a man of very mature experience and judgment, we believed it advisable that he should meet Mr. Wade there. That has also been arranged and a cablegram has been sent to the Agent-General, asking Mr. Darley to meet Mr. Wade. It will, therefore, be seen that definite steps have been taken with a view to coming to a conclusion as to what kind of dam should be erected.
1787. Are we, therefore, to understand that you will have to wait until Mr. Wade returns before you can bring the evidence before the Public Works Committee? Yes; Mr. Wade will leave on the 19th of this month.
1788. Is that the only place where you can get proper experience? Yes. He will be absent for two or three months.
1789. Will not the date fixed in this Bill for the Government to exercise its option of proceeding with the work be unsuitable, seeing that it is fixed for June, 1904? I do not see why a conclusion could not be reached before then. I suppose that next session the Public Works Committee will be in a position to advise Parliament.
1790. Will it be sufficient to put a provision in the Bill allowing a suitable time to elapse during which the Government can exercise their option? Yes.

TUESDAY, 13 OCTOBER, 1903.

Present:—

MR. AFFLECK, | MR. BYRNE,  
MR. FERGUSON.

G. S. BRINER, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Nathan appeared for the Scottish Australian Mining Company.

Leslie Augustus Burton Wade, recalled and further examined:—

1791. *Mr. Nathan.*] Have you any particulars with reference to the Good Hope Mine, and what depth of water would be placed on their land if a dam were erected to a height of 130 feet? The only information which we have is a level on the river bank opposite the Good Hope Mine. A dam 200 feet in height would hold water up 8½ feet above that level on the river bank.

1792. *Mr. Bruce Smith.*] Is the level in the bottom of the river? No, it is on the bank of the river, as far as I can gather.

1793. *Mr. Nathan.*] Would such a dam back the water up 8½ feet above that level? Yes.

1793½. What area of the Good Hope property would be flooded out? I cannot tell; that is all the information I can give.

1794. To what height would the water be backed up if a dam were erected 135 feet high? Such a dam would back the water up 1½ feet over that particular point, instead of 8½ feet.

1795. Can you say what area would be covered? No, I have no information.

1796. *Mr. Bruce Smith.*] Is that of any use unless one knows the level of that point and the level of the mouth of the mine? I do not think so.

1797. Might not the mine be at the top of a hill, and this level which you have mentioned at the bottom of the hill? The level is on the bank of the river.

1798. What is the difference between the level you speak of and the level of the mouth of the mine? I cannot tell.

1799. Can you tell whether the level, which would be reached by the water if a dam were built 130 feet high, would go near the mouth of the mine? No. 1800.

1800. For all you know it might not go within 100 feet of the mine? No.
1801. *Chairman.*] In submitting this work to the Public Works Committee will the Department take any steps to ascertain how this property will be affected? A surveyor will be going out next week to complete the survey of the scheme.
1802. Will he be able to give this Committee or the Public Works Committee information as to how this backed-up water will affect the Good Hope property? Yes; there will be accurate information available for the Public Works Committee when the proposal comes before it.
1803. Will you not be able to give any information to this Committee on the point? It depends on how long the Committee will sit. The surveyors will go direct to that part, in the first instance, if the Committee desire it.
1804. If this Committee sits for three weeks longer will you be able to give us that information? He will be able to give the information in a fortnight.
1805. *Mr. Ferguson.*] Could not the surveyor give us the information in a week? Yes; he is going up next week, and he could give it in a few days.
1806. *Mr. Bruce Smith.*] In putting this scheme before the Public Works Committee do you propose to make any other provision with regard to possible injury except that which is contained in the Public Works Act enabling anybody injuriously affected to claim from the Government? No.
1807. Only the ordinary provision for people who are affected prejudicially to obtain redress by arbitration or by action? Yes.
1808. Are you ambitious to carry out this scheme of the Barren Jack dam? No.
1809. Are you not even desirous of doing it? No; I stated in my evidence that one of the proposals which I made to the Minister was that the Company should build the dam.
1810. And that the Government should control it? Yes.
1811. And charge for the water which the expenditure of the corporation produces? Yes.
1812. Have you ever carried out a scheme of this magnitude? No.
1813. Are you now carrying out a scheme on a very large scale at the Cataract? Yes.
1814. Will that be as large as this one? The height of that structure will be 140 feet.
1815. Will it involve as much stone-work as this one? No.
1816. Will it conserve as much water? No.
1817. If you carry out this work, will it be the largest one you have carried out in your engineering career? Yes.
1818. And you are not ambitious to do it? I would take it.
1819. Do you profess that your mind is in such a beautifully balanced condition that whatever evidence you give is quite regardless of whether the Government or the promoter carries out the work, and that you are not biassed in any way by your desire, as a young Government officer, to carry out the work? I hope not.
1820. Do you think you are? I do not think so.
1821. With regard to the Cataract dam, what proportion of it have you done so far? Only a small proportion; the only way to gauge it is by the expenditure.
1822. If your estimate of expenditure is out, would that be a guide? No.
1823. Then you will not know until you have finished if your estimate is out? No.
1824. Therefore, you cannot tell what proportion in money you have done? No.
1825. With regard to the Barren Jack dam, do you agree with Mr. McKinney in his estimate of the cost of building the dam to 130 feet, upon a basis sufficient for 130 feet that is, £200,000? Yes.
1826. How do you arrive at your estimate? Practically, in the same way as Mr. McKinney stated; that is, taking out the quantities and multiplying them by the whole of the work.
1827. And the estimated cost of the stone-work and the material used with the stone? Yes.
1828. If, instead of being built upon a basis sufficient to carry it up to 130 feet, it were built on a broader basis for a 200-foot dam, would there be any difference in the quality of the material used? No.
1829. Would there simply be a larger cubic measurement? Yes.
1830. Where it is carried out upon a larger scale, would the cost by measurement be a little less than if carried out on a smaller scale? I do not think the difference would be worth mentioning in two large works of that description.
1831. In calculating for either 130 feet on a narrow basis or 200 feet on a broad basis, did you proceed pretty well on the same data? Yes.
1832. What would be the difference in cubic measurement between a dam carried out to 130 feet and one carried out to the same height on a 200-foot base? I have not got the figures with me, but I could supply them.
1833. Do you estimate that the cost would be £200,000 for carrying the dam up to 130 feet upon a base sufficient for that? Yes.
1834. Do you estimate it at £450,000 for carrying the dam up to the same height upon a broader base? Yes.
1835. That is to say, you add 150 per cent.? Practically.
1836. Will you undertake to say that there is even 100 per cent. more stone-work with a broader base than with a narrower one? Yes.
1837. Will you undertake to say there is more than 100 per cent.? There must be.
1838. Take a rough measurement and tell me? I am going by the estimate. I can supply you with the exact quantities.
1839. Would not a dam 130 feet high have a 15-foot top? Not necessarily.
1840. According to your estimate? Not necessarily; in a 200-foot dam you would not have less than 25 feet.
1841. In arriving at an estimate of £200,000, did you calculate it with a 25-foot top? I cannot say; I will give you the exact figures in connection with that.
1842. When? At any time.
1843. Are they your estimates? They were made under my directions.
1844. Are they yours? No; they were made under my directions.
1845. Have you made an estimate personally with your own faculties of the cost of this dam? Not myself.
- [Mr. Bruce Smith objected to the evidence of Mr. Wade with regard to the cost of the dam, because the calculations were not made by him personally.]
- 1846.

Witness—L. A. B. Wade, 13 Oct., 1903.

1846. *Mr. Bruce Smith.*] Can you actually say with regard to the people who did make these calculations what base they calculated upon for the 130-foot dam? A base that I approved of.
1847. What is that? I can bring you the exact figures.
1848. You do not know them now? Not at the present moment.
1849. Can you tell me what base they calculated upon for a 200-foot dam? Not at the present moment.
1850. At what width was the top calculated by those people who made this estimate for a 130-foot dam? It is proportionate to the height.
1851. You cannot tell me in either case? Not the exact width.
1852. Did you hear Mr. McKinney asked by Mr. Shand whether he had gone into the subject of the subsoil of the land proposed to be irrigated? Yes.
1853. Is it a fact that your Department never went into that question until a few weeks ago? I have only been in charge for two years; are you referring to my two years, or to Mr. McKinney's ten years?
1854. Is it not a fact that this testing of this subsoil was never gone into by your Department until five or six weeks ago? That is incorrect.
1855. How long is it since you began making observations upon the character of the subsoil of that district? The first classification of land for irrigation purposes in the Murray Valley was begun at the beginning of this year.
1856. At what time? About February an officer went on to it.
1857. How many men have been employed at it? There are two at present.
1858. Have there ever been any more? No.
1859. Have there ever been less than two? There was none once.
1860. Since February? One man started in February, and the other man started a few weeks ago.
1861. When did you first consider that to be an essential preliminary to proposing a scheme of this sort? Ever since I had the proposal of schemes in my hands.
1862. How long ago is that? Since I have been in charge of the office.
1863. But you did not put anybody on until you put one man on in February? We started to investigate the Murray scheme in February, and we put one man on it.
1864. Did you instruct Mr. Shand to ask Mr. McKinney that question? It is possible I did.
1865. Did you wish to convey to the Committee that that was a necessary preliminary which had not been carried out by Mr. McKinney? I think the question was led up to by the reply by Mr. McKinney with regard to drainage. That is my recollection.
1866. Did you wish to convey to the Committee that that was a necessary preliminary which Mr. McKinney had neglected? Not by any means. I did not regard Mr. McKinney as responsible for this scheme.
1867. You know that he is engineer to the scheme? Mr. McKinney was at great pains to point out these agricultural matters.
1868. The testing of the subsoil? Yes.
1869. Do you consider it a necessary preliminary to proposing a scheme of this kind? I think it very necessary to know the quality of the land you are going to irrigate.
1870. Then how was it you did not take an earlier opportunity of testing this on the northern side of the Murrumbidgee? It is well known that there is good soil there.
1871. You had this scheme before your mind when you were before the Inter-State Commission? Yes.
1872. When was that? Twelve months ago.
1873. Had you taken a single observation at that time with regard to the classification of the land? As regards subsoil, no.
1874. And you put the outline of your scheme before the Inter-State Commission? An approximation of the scheme.
1875. Did you not actually define the number of cubic feet per second of water that would be allowed to the north and south sides of the Murrumbidgee? The location was not given.
1876. Did you not actually put before the Commission the number of cubic feet per second which you thought could be allotted to the north and south sides? A tentative proposal. It was all tentative.
1877. Did you say so? I did not use those specific words.
1878. Did you not give actual words as to the cubic feet? It was quite tentative.
1879. And you had not made a single observation with regard to the subsoil? The observation would be made before the location of the scheme.
1880. And you think that was quite sufficient? At that time.
1881. Would that apply equally to this scheme of Mr. McKinney's? I think it might.
1882. Would it apply equally to a scheme of Mr. McKinney's as it would to a scheme of yours? Yes, under the same conditions.
1883. Do I understand that you generally not only favour this scheme, but favour Barren Jack as the best point at which to erect a dam? Yes.
1884. Do you look upon it as the best means of supplying the north and south sides of the Murrumbidgee with water for irrigation purposes? Yes.
1885. In question 1583 you were asked with regard to this northern canal: "Is that the northern canal? I got a surveyor on the upper portion of it about that period (that is two and a half years ago); he made the first survey." Do you mean that that was the first survey under you? No; I meant he made his survey of the first section.
1886. When? About that time.
1887. Do you wish the Committee to understand that no surveys of these canals were ever made before that time? Of that northern canal taken off at Narrandera?
1888. That is what I mean? Yes; a survey was made of the Northern Murrumbidgee canal, taken off at Wagga Wagga.
1889. But taken off from Narrandera; what you wish the Committee to understand is that this survey of 2½ years ago was the first ever made? The first canal line staked out. Preliminary levels across the country had been taken under Mr. McKinney.
1890. You told the Committee that you had one man on this work of classification since February and two during the last six weeks or two months; have you enough data yet to enable you to classify the land? Not at present.

1891. How long will it take at that rate to get it? I should think there ought to be sufficient information to give a general idea of it on the northern side in a couple of weeks.
1892. Have you attempted to lay down yet the exact course of these canals? Not in detail.
1893. Could you do so in detail at present? No.
1894. Could you do so within 5 or 6 miles? Yes; on the upper portion you could lay it down exactly.
1895. Why the upper portion? Because there are preliminary levels taken by Mr. McKinney covering that portion.
1896. With regard to those which Mr. McKinney is not prepared to give more accurate information, would you be able to define more closely than he has done? Not towards Gunbar.
1897. You said that if this scheme was carried out by the Government you would propose to put the supply of water upon the same footing as is done by the Water and Sewerage Board in this respect, that you would let the people pay for the water without taking it, but you would not let them take water without paying for it? No, I said the Water and Drainage Act provided for that.
1898. If the Government carried out this scheme, and ran canals through the land, would the scheme which you propose allow the people to say "I do not want your water"? No.
1899. Then you propose, if the Government carry out this scheme, that there should be a sort of compulsion upon the riparian owners to take water whether they liked it or not, or pay for it? No; they have to pay before the scheme is carried out.
1900. I am supposing that the scheme is carried out in the direction that you think best as the result of your classification investigation; do you then propose that if the Government carry this out that people should not have an option of taking water? I have made no proposal of that kind. If the work is carried out it will be carried out under the provisions of the Water and Drainage Act, which makes certain things mandatory.
1901. Did you not say in your evidence that there would not be compulsion, but practically it would be on the same basis as the supply of water in Sydney, where you can pay without taking the water, but you cannot take the water without paying for it? Yes, under the provisions of the Water and Drainage Act.
1902. Do you know that it is proposed by the promotor to run canals through the country, and just serve those people who want water? Yes.
1903. Would you approve of a clause being inserted in this Bill similar to the section in the Act under which you propose to carry it out, enabling the company to charge for water whether the people want it or not? Yes, I would approve of it as long as the maximum charges were fixed accordingly.
1904. What maximum charges would you fix? Under the Water and Drainage Act, under which everybody would be compelled to pay for water whether he took it or not, the rates cover interest on cost of construction.
1905. Rates of payment? No, they are assessed rates to cover the interest of cost on construction of the works only, plus maintenance; therefore in this case it would mean interest on £200,000, the estimated cost, plus maintenance.
1906. Under these circumstances you would require everyone to pay whether he took water or not? Yes.
1907. And you would approve of that being the rate charged in this Bill? Yes; one half-penny per thousand gallons if the whole 750 cubic feet per second were sold.
1908. Can you name any of the works carried out under the Water and Drainage Act in which the whole of the water could be possibly disposed of? In some years.
1909. Can you name one either here or in Victoria? The trouble in Victoria is that they do not supply enough.
1910. Can you name one in Victoria or here in which the whole of the water is disposed of? The whole of the water in Victoria is disposed of in some years.
1911. When there is a drought? When there is a shortage; they have the channels, but no water.
1912. Would the Water and Drainage Act apply only to those years in compelling people to pay? No, they would pay in all years.
1913. Have you ever made an estimate with regard to the canals? No.
1914. Therefore are you able to offer an opinion on Mr. McKinney's estimate? No.
1915. You speak of Barren Jack as being the key of the Murrumbidgee;—do you wish to convey that that is the only possible spot at which the Murrumbidgee can be dammed? No.
1916. Do you know that there are other feasible and practicable places? There are two other sites, but not equal to Barren Jack.
1917. Are there not two other places of which the Department has approved and prepared plans for? No, only one.
1918. Which is that? Tantangra.
1919. What is the name of the other? Umeralla.
1920. Will you admit that that is a feasible spot? Yes, but most expensive, and you would lose a large portion of the catchment.
1921. When you talk of Barren Jack being the key, will you admit that the others are keys also? Small ones.
1922. What you mean is that Barren Jack is the best key? Yes, the big key.
1923. Of the three? Yes.
1924. Is it not a fact that the other two places are capable of having dams erected on them, and of conserving water without interfering with the Barren Jack catchment? I do not understand the word "interfering"; the surplus going past would reach Barren Jack.
1925. Are they not on a higher level? Yes; the surplus would reach Barren Jack. There would be no objection to Mr. Gibson taking Tantangra.
1926. You are not so ambitious about carrying that out? It is just as big a dam, but it is poorer.
1927. What is the order of importance in which you would place the three? Barren Jack first, Umeralla second. Tantangra catchment is only 150 square miles, whereas Barren Jack catchment is 5,000 square miles.
1928. Is each of these capable of conserving a large body of water? Yes.
1929. Where is Tantangra? It is in the vicinity of Kiandra; Umeralla is midway between the two.
1930. Do you assent to Mr. McKinney's proposition that there are really three interests to be served from the Murrumbidgee at Barren Jack—the north and south sides of the river, and the people down the river? Yes.

Witness—L. A. B. Wade, 13 Oct., 1903.

1931. In all your proposals, how much water did you consider sufficient to go down the river at all times besides what is required for the north and south schemes of irrigation if carried out? I never went into that matter until now.
1932. How much do you think ought to go down the river? I have put down in my proposition that I consider a fair division of water with storage in the river would be 400 cubic feet per second for each; that is in a very dry season.
1933. When did you arrive at those figures for the first time? Only recently on going into the matter.
1934. Had you not gone into the matter before? Not on the basis of storage; I do not think it was gone into on the basis of storage.
1935. Did you not go into the question of the distribution of water from that river from Barren Jack reservoir before you mentioned it at the Inter-State Commission? Figures were put before the Commission.
1936. You did put it before the Inter-State Commission? Yes, I gave evidence there.
1937. You actually told the Inter-State Commission what you estimated you would be able to divert from the Murrumbidgee if this Barren Jack dam were constructed? No.
1938. How long ago did you arrive at the 400 cubic feet per second theory with a total of 1,200 cubic feet;—was it since this Bill was introduced? Yes.
1939. Since this Bill was introduced you arrived at the estimate of 400 cubic feet per second for the north and south sides and for the river? In the year 1902.
1940. Was not that since you saw a draft copy of this Bill? Yes.
1941. Since you knew it was coming forward? Yes; in order to give evidence I went into the matter.
1942. Did you not go into the matter before you gave evidence before the Royal Commission? No; the Royal Commission was held early in 1902, and my evidence is based practically on the experience of 1902; my figures apply to that year.
1943. So that what you said before that Commission would apply to 1902, which was one of the worst in history? No; the evidence was taken in the middle of the year, and the dry season did not finish until April, 1903.
1944. From your knowledge of the history of the Murrumbidgee, did you see no reason before giving evidence before the Royal Commission to expect such a year as the end of 1902 and the beginning of 1903? No.
1945. Nothing of the sort had ever occurred in the knowledge of the people? I consider that it is the driest year we ever experienced.
1946. Was it absolutely unprecedented? Yes, as far as our records go.
1947. Did you not tell the Commission this: "The works proposed to be constructed by the Government are two canals taking off at Narrandera—the one on the northern side having a capacity of 500 cubic feet per second and that on the southern side a capacity of 1,000 cubic feet per second"? Yes.
1948. That was 1,500 cubic feet per second which you estimated as capable of being taken from the Murrumbidgee in addition to the water that went down the river? In good years.
1949. Was that evidence taken before the middle of 1902? Yes.
1950. So that apart from this extraordinary experience at the end of 1902 and the beginning of 1903, and having regard to all the previous years that are known to anybody in this country, you gave it as your opinion to the Commission that you could take 1,500 cubic feet per second from the river and allow sufficient to go down? Yes.
1951. Will you also say that, assuming there is no immediate recurrence of such a bad period, that the river is capable of the same work in future? Yes; except in such years as 1902.
1952. And that the exception to the rule of having 1,500 cubic feet per second apart from that going down the river would only occur when there is a recurrence of years like the end of 1902 and the beginning of 1903? Yes.
1953. Have you told the Committee that you think now that a fair distribution is one-third to the north, one-third to the south, and one-third down the river? That is the least.
1954. That there should be one-third for each? Yes.
1955. How do you reconcile that with the opinion expressed before the Royal Commission that the south side should have twice as much as the north side? As you read out that passage you will see it began with the words "the works proposed"—those were the two proposals that had been in the department for some years, and they were made by Mr. McKinney. They were placed before the Commission as evidence. We had to keep our end up before the Commission, and give as big figures as we could.
1956. Did you propose that before the Inter-State Commission without forming any opinion yourself? They were all right before the end of 1902 and the beginning of 1903.
1957. You then thought that the south scheme would involve twice as much as the north? Yes; that was put before the Commission as our proposal.
1958. Now you have changed your views, and reduced that, in the light of the experience of last year, to 400 cubic feet per second for each side, giving a total of 800 cubic feet per second instead of a total of 1,500 cubic feet per second? There is Yanco Creek to be included.
1959. Was not that running then? In good years.
1960. Was not Yanco Creek running when you put that proposal before the Commission? Yes.
1961. Did you mention Yanco Creek as a possible deduction from the 1,500 cubic feet per second? No.
1962. You do now? No.
1963. Then why do you mention it? There is an ample surplus in good years.
1964. Do you adhere to 1,500 cubic feet per second as the capability of the river in normal years? In good years.
1965. In all normal years? I suppose a normal year is a good year; normal is the mean, good and bad.
1966. Can you name any other year but 1902-1903 in which such a state of things existed? In every other year except 1902-1903 at one period of the year there would have been sufficient for that.
1967. Only one? It might have been continuous.
1968. Will you say there are not three or four times in the year in which that quantity would be stored? It all depends; one period is a continuous period; as a rule these periods are continuous during the winter and spring.
1969. Apart from the end of 1902 and the beginning of 1903, are you not of opinion that that river is capable of maintaining a supply of 1,500 cubic feet per second at that point, in addition to what goes down the river? At certain periods of every year it is capable.



1970. But capable by conservation of maintaining it right through all years but that one? If you carry your storage to a sufficient extent.
1971. With a dam 200 feet high? No; considerably more than 200 feet high.
1972. Did you ever say anything about your carrying your dam to a greater height than 200 feet? No; but you have mentioned two other dams; if you store the water of the Murrumbidgee to its fullest extent ———
1973. You said, "The works proposed to be constructed by the Government are two canals taking off at Narrandera;"—do you mean to say that when you put that before the Royal Commission you were thinking of two other dams above Barren Jack? The whole thing is dependent ———  
(Mr. Bruce Smith submitted that the witness was not answering his questions.)
1974. *Chairman.*] Before the Royal Commission your evidence went to show that 1,500 cubic feet per second was what could be taken from the Murrumbidgee in normal years—that is, average years? Mr. Bruce Smith would not have average years.
1975. He asks now if, when you gave these figures, you had in your mind the construction of two other dams besides Barren Jack dam; surely you can say yes or no? No; I may say that I am under a disadvantage, inasmuch as our counsel is not here, and I am endeavouring to explain what would come out in re-examination.
1976. *Mr. Bruce Smith.*] At the time you made this proposal to the Royal Commission had you any other dam in your mind except the dam at Barren Jack? No.
1977. And you based that calculation with regard to the 1,500 cubic feet per second on all the past years and all the past data known to the Department? Yes; the diagram I put in shows, I think fully, the quantity of water available in all those years.
1978. In making your estimates for calculating the amount of water that runs down the river, have you taken the gauges at Hay? Yes, the discharges.
1979. How far is it from the off-take which this scheme proposes and what you proposed in the scheme which you put before the Commission down to Hay? About 90 miles straight, and about twice that by the river.
1980. Have you a gauge at Wagga Wagga? Yes.
1981. How far is Wagga Wagga from the off-take? About 60 miles straight, probably 120 miles by the river.
1982. How far is Hay below the dam by the river? About 400 miles.
1983. How far below the off-take is Hay by the river? About 200 miles.
1984. Might you not have gone by the gauges at Wagga Wagga? Yes, there is a gauge there.
1985. Could you not tell in detail as well by the Wagga Wagga gauge as you could by the Hay gauge? We have not the same information at Wagga Wagga as at Hay. I am speaking of the observed discharges going past that point.
1986. How often are the gaugings recorded at Hay which you are relying on;—are they taken daily? Yes.
1987. Have they been taken daily at Wagga Wagga? I am speaking of the observed discharge of the volume of water going past; I think you are speaking of the readings from day to day.
1988. How is the volume of water recorded? By floats or meters.
1989. Is that done daily at Hay? No, only when an officer is available; it may be six months or three months.
1990. How often at Wagga Wagga? In the same way.
1991. With regard to the level of the river, have you the same facilities for exact gauging at Wagga Wagga as at Hay? Yes. It is read at both places daily, and we have daily records.
1992. Why do you take Hay instead of Wagga Wagga, when it is twice the distance from the off-take and at a greater distance from the dam? Because the observations of the volume discharged past Hay are much more complete than at Wagga Wagga; our data are more complete as to the volume.
1993. Is it not a fact that the records of the water going past Wagga Wagga, which is 60 miles nearer to the off-take than Hay, show a much greater volume of water than they do at Hay? Yes, naturally.
1994. Have you allowed 25 per cent. for loss between the dam and Hay? Yes.
1995. What is the difference between the flow of water at Wagga Wagga and at Hay? It varies every year.
1996. Take it almost simultaneously, what would be the difference in percentage? You cannot take it simultaneously; there might be a flood at Wagga Wagga, and it might take ten days to get to Hay.
1997. I am not talking of anything so extreme; suppose you took the flow of water at Wagga Wagga and followed it to Hay, what would be the difference? It varies.
1998. Do you not know that it would show a much greater result at Wagga Wagga than at Hay? The annual volume of the flow past Wagga Wagga is greater than the annual volume past Hay.
1999. What is the percentage? It varies according to the years.
2000. What is the average? In some of the years I have taken, the loss, as nearly as you can get it, has been about 25 per cent.
2001. Is that between Wagga Wagga and Hay? Yes.
2002. You admit that the loss between the dam and Wagga Wagga is 25 per cent? No.
2003. How much is it? I based my calculations on a loss of 25 per cent. between Barren Jack and Hay.
2004. Did you not tell me that the difference between Wagga Wagga and Hay was 25 per cent.? In some years it reached that, but I may add that it is very difficult, in view of the incomplete records at Wagga Wagga, to estimate what goes past Wagga Wagga.
2005. Would you undertake to give any scientific opinion? We have the most accurate information at Hay, and that is the reason why I took it.
2006. In taking Hay, does it not give a very much smaller volume of water for disposal than it would at Wagga Wagga? It gives a smaller volume for disposal at Hay; it would be larger at Wagga Wagga.
2007. When you gave 1,500 cubic feet per second in your evidence before the Royal Commission, was that based on the Hay records? No; that was practically based upon Mr. McKinney's proposals. As I said before, we had never gone into absolute details of dry years like these until now.
2008. Since this Bill was brought forward? Yes.
2009. Do you say that the 1,500 cubic feet per second given by you before the Commission was based on Mr. McKinney's proposal? Yes; we adopted his proposal.
- 2010.

Witness—L. A. B. Wade, 13 Oct., 1903.

2010. Was that based on the Wagga Wagga gaugings, or the Hay gaugings? I cannot say.
2011. So that you really gave that information to the Commission, without knowing what it was based on? Yes.
2012. Did you produce the other day a sort of diagram showing the rise and fall of the river? Yes; showing the volume.
2013. Do you know that there is another diagram in the Department taken at Wagga Wagga? Yes.
2014. Was that prepared in connection with the report of the Royal Commission? There is a diagram showing the river heights, not the river volumes.
2015. Is this the diagram which you produce marked "A"? Yes.
2016. In diagram "A," do you only show the height of the river for the average of the month? No I show the total volume for the month.
2017. On the side have you numbers showing what the total volume amounted to? Yes.
2018. Is it shown for the month only, and not daily? Only for the month.
2019. Is it quite possible that that average may have been produced by a very high volume in one or two parts of the month, and a very low volume at two other parts of the month? Yes.
2020. Where you got a very great volume at one part of the month, and a very small volume at another, have you averaged it for the month? No; we have taken the total volume for the month in cubic feet.
2021. Is your calculation as to the sufficiency of that arrived at by taking the total volume for the month and dividing it by the days of the month? No; I take the total volume to be supplied down the canal for the month. I take the total volume to be supplied down the river for the month; I take the total volume flowing in the river for the month, and there is either a surplus or a deficiency.
2022. You have taken it for the whole month? Yes.
2023. You have assumed in arriving at that calculation that this canal would be using water continuously throughout the month in the same quantity? There is an assumption of a continuous supply.
2024. Right through the month? Yes.
2025. Will you admit that if during certain parts of the month, say two-thirds of it, water was not wanted in the same quantity, it could be given in a much larger quantity during one-third of the month? Yes.
2026. If, at a particular stage of a crop, water was wanted in a very large quantity during, say one week of the month, could it be taken at a much larger flow, provided during the rest of the month it was slacking off? It would be available if stored.
2027. When you estimated the capability at 400 cubic feet per second did you calculate that it would be wanted all through the month? In such a year as 1902.
2028. Will you admit that that would allow of say an entirely different distribution of the thirty or thirty-one times 400 cubic feet per second? Yes, you could vary your distribution according to your requirements.
2029. Could you put it into one week instead of four? According to requirements.
2030. If, instead of taking 400 cubic feet per second continuously during the month, three-fourths of it were concentrated into one week when the water was wanted could it be given with a corresponding reduction in the other parts of the month? Yes.
2031. Before the Commission you compared the Murray with the Murrumbidgee as to losses; is not the Murray a much steadier river than the Murrumbidgee, and much more uniform in its flow? Yes.
2032. Is it hardly a good criterion for the Murrumbidgee? You have to keep the conditions of both rivers in view; you cannot apply absolutely the experiences of the Murray to the Murrumbidgee.
2033. Did you hear Mr. Gibson say that at one time, during the end of 1902, the flow of the river past Hay was only 19 cubic feet per second? Yes.
2034. Do you know that that was the case? No.
2035. Have you any reason for doubting the statement? No; it was very low.
2036. Do you know what it was at Narrandera at that time? No.
2037. Do you know that it was as much as 100 cubic feet per second at Narrandera at the same time that it was 19 cubic feet per second at Hay? No.
2038. Would you doubt that? I would not doubt it if stated on reliable evidence; I think it is possible.
2039. Do these diagrams marked "B" show the discharge of the Murrumbidgee at Wagga Wagga with a side reference to the number of cubic feet per second? Yes, they show the heights of the gauge and a side reference to them.
2040. Do the figures 22,610 specify the cubic feet per second? Yes.
2041. Do the figures in the margin show the heights during the years 1879 to 1893, while the others show the heights from 1894 to 1902? Yes.
2042. What do the first five horizontal lines represent? The lines represent the discharge of each 5 feet on the gauge.
2043. Was the diagram marked "A" which you produce prepared in Mr. McKinney's time? No.
2044. For what years? From 1894 to 1903, I think. That is the diagram "A." That is the first diagram that has been prepared showing the behaviour of the proposed Barren Jack reservoir.
2045. Were the diagrams marked "B" prepared under Mr. McKinney? Yes; and continued, they show two different things entirely.
2046. Do I understand you to say that the gauges estimating the discharge as just the same at Hay as at Wagga Wagga? They are exactly the same.
2047. For getting the discharge observations, are not the gauges more perfect at Hay than at Wagga Wagga? No, the gauges are enamel plates marked with feet and inches, showing the height of the water; they are the same in both places.
2048. Are they shown to the same heights? No, I think the maximum flood-level is higher at Wagga Wagga.
2049. When the river is very full are there better opportunities at Wagga Wagga than at Hay? No, at Wagga Wagga the river gets outside its banks much sooner than at Hay.
2050. Have you a more complete series of discharge observations at Hay than at Wagga Wagga? Yes.
2051. Was that one of your reasons for taking Hay? Yes.
2052. Can you tell from the diagram which you have produced how the rain fell in any greater detail than as an average of the whole month? It does not attempt to show anything in connection with the rainfall.

2053. Would it not show the result from the catchment area? Yes; but the results are very different with every rainfall. Sometimes it might be 5 per cent., at other times 10 and 20 per cent.
2054. Is there any connection in which you can use this as indicating the rainfall? No.
2055. When did you first begin to form your opinion about the silt in this reservoir? I have been constructing storage reservoirs in connection with country towns' water supplies for the past seven years. My attention was drawn on one or two occasions to the large amount of silt, and it made me go into the matter and look up authorities on the question when the storage reservoir at Cataract was under consideration.
2056. When did you first go into it? When the Cataract dam was under consideration; that was over twelve or eighteen months ago.
2057. Can you name any authorities which you have for making the estimate that this reservoir would fill up in fifty years? I did not say that it would fill up in fifty years.
2058. Did you not propose something about a sinking fund? That was only an estimate until I could get more reliable information.
2059. Was it a very rough estimate? I can give the volume of silt carried in different rivers.
2060. Can you name any authorities? You can get some information out of the United States bulletins of geological survey, and out of Schuyler and Wegmann.
2061. Are these your best authorities? They are uppermost in my mind.
2062. In any of the papers which you have ever prepared in connection with this Murrumbidgee scheme, did you make any reference to silt as a thing against which precautions should be taken;—have you done that in any single State paper which you have prepared? I do not know that I prepared any State papers.
2063. Have you never written any reports for the Minister? Not dealing with that.
2064. But with regard to the Murrumbidgee scheme? No detailed reports.
2065. Have you ever written any papers at all for anybody about Barren Jack? No detailed reports.
2066. Have you ever made any calculations which would involve allowances which were likely to have to be provided for? The first detailed estimate I have made is the one which I have just put forward.
2067. When did you make that? In connection with this inquiry.
2068. Since this Bill was introduced? Yes, in connection with this inquiry.
2069. Is that the first time you went into the question of silt? In detail.
2070. Have you gone into the question of silt at all? We go into the question with regard to all storages.
2071. With regard to this scheme did you ever go into it? Not in detail; but it will be now that this has to go before the Public Works Committee.
2072. Is it not a fact that in Spain there are hundreds of reservoirs of this sort which have lasted for over 100 years without ever silting up? There are examples in Spain of reservoirs which have absolutely silted up.
2073. Are there not instances of hundreds which have never silted up? I cannot say.
2074. Where are those mentioned which you refer to? I think you will find instances in Wegmann.
2075. In how many years have they filled up? You will find it stated there.
2076. Can you tell me? No, I have not got it at my fingers'-ends. Each river varies in the quantity of silt.
2077. Has Wegmann made any impression on you as a general principle? Rivers vary from one-half per cent. of silt up to 5 per cent. of silt to their total volume; each river has to be taken on its own merits.
2078. Do you think that Wegmann is the best authority? Speaking from recollection you will find instances there of reservoirs which have entirely silted up.
2079. I understand you cannot say how far back the water will be thrown by a dam 130 feet high, and that you can only say it will be thrown back 40 miles by a dam 200 feet high? I can get it.
2080. Do I understand you to say that sluicing will not get rid of silt? Sluicing has a very local effect.
2081. Do you think it is not a sufficient means of getting rid of silt periodically, so as to prevent its being a drawback? It is a system which you could not possibly use at Barren Jack. The only way to remove silt is to run a flow through the bottom of the reservoir, and you might lose the opportunity of filling the reservoir when it would be vital afterwards.
2082. You propose that the promoter should pay one-third of the cost of running the dam, not up to 130 feet, but up to 200 feet? Yes.
2083. Suppose the south side is never used for irrigation purposes, do you not think it would be very unfair to throw one-third of the cost of a 200-foot dam upon the promoter, who simply irrigates the north side? It would be unfair if there was never any proposal; but Mr. McCaughey was coming to give evidence to-day to the effect that if Mr. Gibson's Bill got through he is going to apply for a Bill for the south side.
2084. Suppose he did not get a Bill and it was never done? That shows the possibilities; it might never be done.
2085. Will you admit that a 200-foot dam would be unnecessary if the south side were not going to be touched, and suppose only the north side were going to be irrigated and the south side were never to be done, will you admit that it is rather unfair to call upon the promoter of this Bill to pay one-third of the cost of running the dam up to 200 feet? Yes, it would be unfair.
2086. In requiring him to pay one-third of the broader base, with the view of ultimately running it up to 200 feet, are you assuming that it will be ultimately used? In the interests of the people we assume that.
2087. Will you admit that until it is used it would be an unfair thing to throw on the promoter one-third of the cost of the bigger proposal? I will not say that.
2088. Is it not unnecessary for his scheme? If we have to keep in view the interests of the public we must provide for the other schemes.
2089. I understand you to say that you divide the scheme into three parts—the north and south sides and the river;—do you admit that if the south side were never dealt with it would be quite unnecessary to provide the same quantity of water? Yes.
2090. Would it be running over and wasting down the river? Yes.
2091. You would have conserved it by this dam for no useful purpose? Yes, if you build it to its full height.
2092. Or even to a height of 130 feet with a broader base when a narrower base would do for 130 feet;—and you will admit that there would be an enormous amount of stone-work lying idle? Yes.

Witness—L. A. B. Wade, 13 Oct., 1903.

2093. Do you propose to throw one-third of that extra cost upon the promoter on the assumption that it will be carried out some day? Yes.
2094. Suppose that never happens for twenty years, and you estimate the extra work at £250,000, do you not think it is rather unreasonable to ask the promoter to pay one-third of the interest on £250,000, say for twenty years, until the south side is done? No; he offers to build the dam for his own purposes for £200,000.
2095. And to have complete control? But he will only draw a certain quantity of water.
2096. Is it not part of his proposal that if he pays for building the dam he is to have complete control of it? Yes; but that control only involves drawing a certain quantity of water.
2097. But he has control, and it is proposed that it should be his property? He has the moral control.
2098. You state what his proposal is, and you state it with a qualification which I cannot follow? Yes, he has control.
2099. Now you are proposing that you should put this dam up on a broader basis, which you admit may not be at all necessary, to give him the water which he wants;—you propose that he should pay one-third of the total cost and that the Government should have control of the whole thing? Yes.
2100. Is that fair, taking an absolutely neutral view of this thing, as a scientific expert, apart from your position as a Government officer? If I were in Mr. Gibson's shoes I might think it unfair.
2101. Supposing you came here as a private practitioner in your profession, what would you say if you were asked whether you thought that was a fair condition? I do not think it is possible to look at it without looking at the position of the public in the matter.
2102. I am not talking about the public. I am supposing that the top story is not built, and that this additional width of the dam will be unnecessary for, say, twenty years; you tell us that it will cost £250,000 more. Looking at the thing outside the Government service, I ask you if it is a fair basis to ask the promoter to pay one-third of the interest on that enormous additional expenditure? It is a very hard question to answer with the word "fair" in it.
2103. If you were asked as arbitrator to decide this question, would you say that it is fair? I would say that he could get water cheaper if he had control of the river. Assuming your own figures, Mr. Gibson can get a constant supply of 750 cubic feet per second with the construction of a dam 130 feet high at a cost of £200,000. He admits that a 130-foot dam would give him barely sufficient for his requirements in 1902. In some months there would have been a shortage, therefore there would have been no water for anybody else. Therefore for a supply for the south the whole of the water must be supplied absolutely from stored water. Seven-hundred-and-fifty cubic feet per second for twelve months is equal to 25,000 million cubic feet. That means the whole of the storage practically of the reservoir, or there must be a dam built up to 200 feet. Then, while Mr. Gibson pays £200,000 for his supply of 750 cubic feet per second, the people on the south side would have to pay £600,000 for their supply of 750 cubic feet per second.
2104. You know that when an engineer goes into the witness-box he is supposed to divest himself for the time being of his bias on account of his position, and to give scientific evidence; if you can do so, I ask you whether you think it would be a fair and reasonable distribution of the cost if the south side was not carried out? If there was only a very remote chance of the south side being carried out it would be unfair.
2105. Suppose Mr. Gibson took the whole thing upon his shoulders of building the dam 130 feet high upon the broader basis, and he had complete control under the Bill, would he not be in a better position than anybody else by building his own dam to carry out the irrigation of the south side? Yes.
2106. Would not anybody who wanted to carry out the irrigation of the south side under those circumstances have to go to Mr. Gibson, or any company representing him, to make terms for the irrigation of the south side? Yes.
2107. Do you know that in Victoria the Goulburn River has a much smaller discharge than the Murrumbidgee? I think not. In 1902 it was slightly better than the Murrumbidgee.
2108. I am taking it as a river? That was a crucial test. I regard them as parallel rivers.
2109. Do you know that at present 1,700 cubic feet per second are being drawn off the Goulburn River for irrigation? A canal of that capacity is being constructed.
2110. Do you know that water is being taken to that extent? Yes, sometimes.
2111. Do you know that there is another canal proposed of the capacity of 230 cubic feet per second? Yes.
2112. So that makes a total of 1,930 cubic feet per second? I understand they propose a storage of 60,000 million cubic feet per second;—that is the proposal.
2113. Do you suppose that, in an ordinary state of things, another canal of the capacity of 230 cubic feet per second would be proposed on top of an existing canal of the capacity of 1,700 cubic feet per second, unless it was regarded as feasible and practicable? No.
2114. May we assume that? Yes.
2115. Have they pretty good engineers in Victoria? Yes.
2116. Do you not know that in Victoria the Government have practically given away the whole of these dams, by writing off the indebtedness upon them to the amount of £2,000,000? Yes; that is for the distribution works also.
2117. These reservoirs have been constructed by the Government, and have been practically given away without charge to anybody who chooses to use them for his land? No; the only storage reservoir of any importance is the one now being constructed. The money you refer to covers distribution works.
2118. Was that money written off entirely? Yes. Mr. Irvine threatens to write some of it back again.
2119. When you suggested in your minute containing proposed modifications of this Bill that the control should be in the Government, what did you mean? That the quantity of water to be passed down the river should be in their hands—the whole management.
2120. What does the whole management comprehend, in addition to checking the quantity of water taken for the north and south sides, and to go down the river? That is it principally.
2121. If it is provided in the Bill that the quantity to go down the river is to be in the nature of a first charge on the river flow, what more can be wanted? They might not let sufficient go down.
2122. If the Government has power to check that and to take whatever steps can be taken under the Bill, if it be not done, what other control is there that the Government can have? There are the proposals which I have mentioned—the southern canal for instance.
2123. In the future? Yes.

2124.

2124. But that proposal with regard to the control would only occur where the promoter has carried out the dam himself and acquired the property in it? The control of the Government, as against the control of the promoter.

2125. Do you not admit that if the Government carried out the dam it would have the control of its own property? Yes.

2126. Do you admit that if the Government carried out the work, and merely got a contribution of one-third of the interest, the dam would still be in the complete control of the Government? I have suggested that.

2127. If the Government carried out the work, and the promoter paid interest on one-third of the cost, would it not, as a natural consequence, be under the control of the Government? Yes.

2128. Do I understand that you do not propose that the Government should have any control beyond seeing that the water is properly divided if the work be carried on by the promoter? Yes, that is with a view to the equitable distribution of the water.

2129. Do you not know that the promoter limits himself to 750 cubic feet per second on the north side, and that 500 cubic feet per second for the river is a first charge, and if he takes water without first giving that flow to the river you can stop him by an injunction? We have to look to the development of the south side.

2130. Do you need to have further control than an undertaking of that sort if the promoter build the whole dam himself? There is nothing in the Bill.

2131. Is there not this in the Bill: that if the promoter constructs the whole dam up to 130 feet, and it remains his property, he is still limited to 750 cubic feet per second for himself, and that he is bound to send 500 cubic feet per second down the river? Yes.

2132. Would it not be very easy for the Government at any time to exercise powers under the Bill, and to take over the dam and construct the remaining portion of it, and allot a fair proportion to the south side? Yes.

2133. Pending the passing of a Bill through Parliament, and the consequent irrigation of the south side, is there any need to have any further control than that provided for in the Bill? No; the vital part of the proposal is a proper distribution of the water.

WEDNESDAY, 14 OCTOBER, 1903.

Present:—

MR. AFFLECK,

MR. FERGUSON.

MR. BYRNE,

G. S. BRINER, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Nathan appeared for the Scottish Australian Mining Company.

Leslie Augustus Burton Wade, recalled, and further examined:—

2134. *Mr. Bruce Smith.*] You heard Mr. Gibson say that in April, 1902, there was a discharge at Hay of only 19 cubic feet per second;—are you able to say whether or not that is correct? No, I have no record.

2135. Do you receive records from the officer there in the Department? I have got three officers there. One of them has on several occasions taken discharges on my instructions; that is Mr. Mitchell.

2136. Have you those records? They are in the office; I will send down for them.

2137. Can you from your records show what the exact flow of water was at Wagga Wagga upon the same date as at Hay? No. The flow at Wagga Wagga on the same day has no bearing on the flow at Hay on the same day.

2138. Will you be able to show from the records taken at Wagga Wagga what the flow was at Wagga Wagga on the same day as at Hay? No.

2139. Have you any records of the flow at Wagga Wagga? We have the river heights.

2140. Will you send to the office for the records for March and April of both Wagga Wagga and Hay? Yes.

2141. You were asked by Mr. Shand whether the trend of feeling in America was in favour of private enterprise or State works with regard to irrigation? Yes.

2142. Did you wish the Committee to understand that the trend of feeling in the United States at present is in favour of the State carrying out irrigation works as opposed to private enterprise? No. I mentioned the provisions of the latest Act passed—the Carey Act.

2143. Is it not a fact that irrigation has up to within two or three years been almost exclusively carried out in the United States by private enterprise? Yes.

2144. Has not that been the policy of the United States up to 1901 and 1902? Yes, if they had any policy.

2145. Has the State in the United States, until within the last year or two, taken any part whatever in irrigation works? No.

2146. Is it a fact that for many years irrigation works in the United States have been carried out by private enterprise in enormous proportions? Yes.

2147. Did you wish the Committee to understand that the Carey Act indicated a new feeling with regard to irrigation in America? No; it indicated a new departure. I am not in a position to say whether it is a new feeling.

2148. Have you read about the Carey Act? Yes.

2149. Was it not a very important departure for the State to step in? Yes.

2150. Is it not a fact that the State stepped in simply for the purpose of making enormous tracts of country, which had been neglected by private enterprise, available for settlement? I cannot say that that was the reason.

2151.

Witness—L. A. B. Wade, 14 Oct., 1903.

2151. Will you say it is not? I cannot say what reasons actuated them.
2152. Have you not read in authoritative works that the reason for the State stepping in at this very late hour in the history of America was that enormous tracts of country had been neglected by private enterprise, or at any rate had not been operated on, and the State felt that until those enormous tracts were supplied with water on a large scale they would not be available for settlement? I have read a great variety of opinions as to what actuated them.
2153. Has that not been stated by President Roosevelt to be the intention of the Act? I am not aware of that.
2154. Do you not know first of all that Mr. Deakin in his work on Californian irrigation spoke of the Government as having expended nothing and as having no official knowledge of what was spent? Yes.
2155. How long ago was his book written? About fifteen years ago.
2156. Do you know Newell? Yes.
2157. Is he a pretty good authority on irrigation? Yes. I have heard of him.
2158. Do you know who he is? Yes; he is one of the engineers in the Geological Survey of the United States.
2159. Is he not considered a very high authority? Yes.
2160. Have you read Newell's book, "Irrigation in the United States"? Yes.
2161. Do you know that in the concluding chapter of the book a very large portion of President Roosevelt's first message to Congress in 1901 is set out? Yes. I recollect it.
2162. In which this question of irrigation is dealt with? Yes.
2163. Do you remember this passage: "The forests alone cannot however fully regulate and conserve the waters of the arid region. Great storage works are necessary to equalise the flow of streams and to save the flood waters. Their construction has been conclusively shown to be an undertaking too vast for private effort. The pioneer settlers on the arid public domain chose their homes along streams from which they could themselves divert the water to reclaim their holdings. Such opportunities are practically gone. There remain, however, vast areas of public land which can be made available for homestead settlement, but only by reservoirs and main line canals impracticable for private enterprise. These irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers"? Yes; that passage is contained in President Roosevelt's message.
2164. Is that a statement of the policy of his Government? Yes.
2165. Is not this a passage by Newell at page 405: "The President and Secretary do not ask the Government to do something which might be better done by private enterprise. The latter has already built irrigation works sufficient to utilise nearly the whole available flow of the streams in the arid regions during the irrigation season. Further progress in irrigation can come only through the storage of flood waters in reservoirs, and nearly all of this work is absolutely impossible without Government aid"? Yes.
2166. At page 406 does this passage occur: "The National Government, the owner of these arid lands, is the only power competent to carry this mighty enterprise to a successful conclusion, to divide the reclaimed lands into small farms for actual settlers and home-builders only, and to provide water for the settlers at a price sufficient merely to reimburse the cost of the work"? Yes.
2167. I want to ask you, as a general deduction from that, is it not shown by Newell, as an authority on these matters, that whereas irrigation in the United States has been carried on exclusively by private enterprise until the last two or three years, that the whole of the work of that kind which could be done by private enterprise has been done, and that the State is now stepping in because of those enormous areas which cannot be utilised for settlement without some big scheme of irrigation being carried out by the State? No; I do not admit that, because there is no word there about private enterprise ceasing. I presume that private enterprise will still go on.
2168. Let me remind you of the passage, "The President and Secretary do not ask the Government to do something which might be better done by private enterprise. The latter has already built irrigation works sufficient to utilise nearly the whole available flow of the streams in the arid regions during the irrigation season"? Yes, that is the flow; but I am quite certain that private companies are still going on with the aid of small storage.
2169. But will you not admit that this departure with regard to irrigation by the State has been taken, not because of any movement to substitute State enterprise for private enterprise, but because of the enormous character of the work which now requires to be done? That is evidently one of the reasons.
2170. Is not that the chief reason? To show what reasons are put forth in connection with the Carey Act, I may say that only the other day I read that that Act was said to be the result of railway boodling.
2171. The Act itself? Yes.
2172. Is that not still further in my favour? Yes; but that shows the statements which are made.
2173. I want to ask you if you put forward this alleged movement in America as evidence for this Committee that private enterprise is now regarded as a thing that ought to be discarded in America, and that the State should step in and take it out of the hands of private enterprise? Nothing of the sort. I merely wish to place all the information before the Committee.
2174. Do you know Elwood Mead as an authority on irrigation and as a prominent man? Yes.
2175. Do you remember the following passage at page 344 of his work, "Irrigation Institutions":—"The rapid construction of irrigation works, which began in 1870, continued for twenty years. Its interruption at the end of that time was due to a variety of causes, some of which were in no way related to the success or failure of works previously completed. Many of the largest and costliest canals had been built with English and Scotch capital"? I do not recollect it, but I admit it is in his book.
2176. Do you recollect this passage at page 356: "In recent years, almost as much money has been invested in storage works as in ditches, and many important reservoirs have been built by private capital. One of the largest in the west was completed in Wyoming in 1901. In the two years ending 1st December, 1900, the State engineer of Colorado issued permits for the construction of 147 storage works, and the State engineer of Wyoming issued seventy-seven of these permits. A private reservoir on the Pecos River, in New Mexico, covers 8,000 acres"? Yes, I recollect that passage.
2177. If Australia is going to be guided by American practice, would it not give up the greater part of the irrigation of Australia to private enterprise? Yes.
2178. Can you tell me of any case in the United States in which the State has ever carried out canal works? No.

2179. Can you tell me of any case in which the United States Government has carried out even the construction of reservoirs prior to the Carey Act? Not for irrigation purposes.

2180. Was the Carey Act passed about two years ago? Yes.

2181. When you were examined by Mr. Shand, you told the Committee that you thought that, in addition to the 4 per cent., there should be one-half per cent. for a sinking fund? That was my suggestion, as a basis.

2182. With regard to silt? Yes.

2183. Did you lay down the proposition that, after a certain number of years, you would have to carry out works of an extensive character, and perhaps rebuild the dam? That you would either have to increase the dam, or go in for additional storage.

2184. Did that lead you to suggest that one-half per cent. should be paid in addition to 4 per cent. in order to produce at the end of fifty years a sum equal to the cost of the dam? That was the suggestion.

2185. Do you think that it is a practical suggestion? Yes.

2186. Did you make that suggestion in the light of any knowledge with regard to the sluicing of reservoirs and dams? I stated at the time that we had no data with regard to Australian rivers, so that I could not speak definitely as to the amount of silting in the Murrumbidgee, but that we could draw deductions from other rivers.

2187. Assuming that it will silt up, have you the authority of any prominent writers on this subject for saying that you might, at the end of fifty years, have to rebuild the dam? Some dams, quite equal to that, have silted up in less than that time.

2188. Are there not a score of ways for clearing out dams which have silted up, according to the best authorities? The only way in which you could clear out a dam of this description is by dredging it.

2189. Is that your view, and are you laying it down as a general proposition for mankind? That is my view concerning the Barren Jack reservoir.

2190. I suppose you do not object to the view of a man like Schuyler whom you mentioned yesterday? Yes.

2191. Do you know that he records a case in which a Spanish reservoir was built upon a river which produces so much silt that it fills up and has to be cleaned out every four years? Yes.

2192. Do you know what it costs to clean it out? No.

2193. Have you any idea? I cannot tell you at the present moment.

2194. Is not Schuyler a big man in his business? Yes.

2195. Speaking of the Alicante dam in Spain, he says: "The stream carries such a large volume of silt that it is necessary to scour out the sediment by a device called a scouring-gallery. The scouring is done every four years. The gallery is a culvert through the centre of the dam at the bottom 5.9 feet wide, 8.86 feet high at the upper end, and enlarged below. The mouth is closed by a timber bulk-head, which is cut out from below when the scouring is to be done. The sediment forms to a great depth above the mouth of the culvert, and has to be started to move by punching a hole through it with a heavy iron bar. The total cost of scouring the reservoir amounts to 50 dollars";—what do you say to that? I should say it has no bearing whatever on this question. The total capacity of that dam is 975 million gallons as against 8,500 million cubic feet for a dam 130 feet high at Barren Jack, and 6½ gallons go to a cubic foot, or as against 28,000 million cubic feet at Barren Jack with a dam 200 feet high. With regard to silting in the Alicante dam, the record of that dam is that in 1843, when the reservoir had not been cleaned for fourteen years, the bank of sediment at the dam had been deposited 75 feet high.

2196. What are you reading from? "Wegmann." It was found that unless some means were provided to remove the sediment it would soon fill the basin completely, and the reservoir is now cleared once in four years, the maximum deposit in four years being from 39 to 52 feet.

2197. Will you tell the Committee in what way it has no application? Because there is no information there as to the catchment area and the quantity of water discharging off the catchment area. If it is a large catchment area, with a large volume of water coming down compared with the storage capacity of the reservoir, you can leave the scour in the bottom of the reservoir open, and run the whole river through the bottom of your reservoir, carrying silt through. But if it is a large reservoir, with large storage compared with the area of catchment and volume, you cannot afford to take these risks. You must fill your reservoir every time the water comes down. If you open your scour when the reservoir is full the action is only local. It will not extend 100 feet away from the scour.

2198. What do you mean by a bigger scour? I say if you open the scour from the bottom of the reservoir when the reservoir is full the action is purely local.

2199. Will you show me the difference in principle as distinguished from the dimensions in this particular dam which I have pointed out to you, and the dam which you have provided for? I have just tried to explain that in the comparative size of the dams, and I say there is no information there as to the area of the catchment or the volume of water that comes down.

2200. Is there not information that this reservoir fills up every four years and has to be cleaned, and that it costs 50 dollars to clean it? Yes.

2201. Did you ever put your pen to paper to record your opinion that this reservoir would require to be sluiced, or to be rebuilt if not sluiced, until this Bill was introduced? Not as regards the Barren Jack reservoir. I have not written any reports in connection with the Barren Jack reservoir in detail. If you will allow me to explain, you asked me a question if I had ever in any report or paper referred to silt in reservoirs.

2202. No, in this reservoir; I want to ask you whether, prior to Mr. Gibson's Bill coming upon the scene, you ever mentioned in any paper which you can show me your opinion as to the necessity for sluicing or rebuilding the dam after a number of years? If I recollect aright, you asked me if I had expressed an opinion on silt.

2203. I will ask you this question now; can you tell me of any paper in which you have recorded your opinion as to the necessity of rebuilding the dam or providing a sinking fund for that purpose until Mr. Gibson introduced his Bill? Yes; I can bring you an official paper in connection with the storage on the Darling.

2204. I asked you with regard to this reservoir? No; I never dealt in detail with this storage before.

2205. Did you ever suggest in any other paper with regard to any other reservoir that it might be necessary to rebuild the dam in fifty years? Not in those specific terms; but I have pointed out the depreciation in the value and efficiency of the dam by the accumulation of silt.

2206.

Witness—L. A. B. Wade, 14 Oct., 1903.

2206. Do you not know that in India, at the end of every season, it is a common practice to clean out the reservoirs by sluicing? It may be in some of them.
2207. Are you not here as an expert? It is rather a big order to speak of the whole of the dams.
2208. Do you know that it is a common practice in India, where there are hundreds of reservoirs, to clean them out at the end of every season? Yes; it is the practice in some reservoirs, but not the size of the one proposed at Barren Jack.
2209. What is the largest they have cleaned out? I cannot say.
2210. What is the difference between a large and a moderate sized reservoir in principle? The amount of silt, to begin with.
2211. Then it is a matter of quantity? Yes; and then there are the comparative areas and volumes of the water to the storages.
2212. Have you not, in the Public Works Department, what are called suction pumps? Yes.
2213. Have you had them in operation for thirteen or fourteen years? Yes.
2214. Are they not capable of lifting mud or sand at the rate of 1,500 tons an hour from a considerable depth and depositing it hundreds of feet away behind a retaining wall? Yes.
2215. Are there any of a greater power than those capable of lifting 1,500 tons an hour? I cannot say. You could make them up to any capacity.
2216. What is the greatest depth at which they will lift or pump sand? They have only an efficient suction for a depth of 20 feet.
2217. Could you not get them to do more? No.
2218. How do you know? Because it is my opinion.
2219. Can they not lift more than 20 feet? Not efficiently.
2220. Have you used them in the Parramatta River? Yes.
2221. Have the whole of the mud banks been deposited behind retaining walls? Yes; the cost of that has to be added.
2222. What is the cost? The cost of sluicing has to be added to the cost of irrigation.
2223. Can they lift 1,500 tons an hour? Yes.
2224. Can they go on all day? Yes; at a cost which would probably be greater than a sinking fund of one-half per cent.
2225. Going back to Newell, do you consider him a fair authority on this subject? Yes.
2226. What do you think of this passage, page 157: "The difficulties which may arise from the accumulation of sediment in a reservoir have been a source of needless alarm to persons who have given slight attention to the matter. The work of removing silt has been exaggerated by persons who, for one reason or another, wish to bring about delay in the beginning of construction of storage works by the Government"? He was a prophet.
2227. Then he goes on to say: "There is no question that in some cases the accumulation of silt will become a source of annoyance and expense, but not an insuperable obstacle. The condition is somewhat analogous to that in railroad construction. It might be argued in advance that a railroad could not possibly be operated more than ten years, because at the end of that time all of the wooden ties upon which the rails are laid would be rotten and unsafe, and the rails must be all taken up and relaid, with great expense and delay. Experience, however, has shown that, although railroad ties do decay, they can be replaced without disturbing traffic. In the same way, it can be shown that the silt accumulating in a reservoir can be removed from time to time";—what do you say with regard to that? That is exactly my contention—that you must provide for silting, either by a sinking fund or something else.
2228. Did you not say that you would have to build a new dam in fifty years? That is my opinion, if you do not provide a sinking fund.
2229. Newell says in this passage: "The work of removing silt has been exaggerated by persons who, for one reason or another, wish to bring about delay in the beginning of construction of storage works by the Government";—do you claim that that is your case? No; I am putting the case in this way: I wish to read this passage from the report of a man in the United States Geological Survey. He was referring to the construction of the San Carlos Dam. He says that when the capacity of the reservoir is seriously encroached upon the silt can be sluiced out by means of hydraulic dredging, at a cost of 2 cents to 4 cents per cubic yard. That would put an annual tax of 10s. to 20s. upon the land to be irrigated. He means per acre. My contention is, that you must provide for the silting either by a sinking fund or other means.
2230. Can you tell me what it costs per ton to pump sand or mud by the suction dredges here, where they can do it at the rate of 1,500 tons an hour? I think it is variously estimated in the Annual Reports at 2d. to 4d. a cubic yard.
2231. Was that by day labour or minimum wage? All the work on the dredges is by day labour. I am speaking from memory of what appears in the Annual Report.
2232. I will read another passage from Newell with regard to silt in reservoirs; he says: "Most of the reservoirs in which silt is liable to accumulate are so situated that water is drawn from some point near the bottom, so that much of the silt, especially that near the dam, will be drawn out when water is taken for irrigation. The finer silt in the water in a large reservoir is kept in suspension almost indefinitely by wave-motion and currents, the lighter particles floating for weeks and even months. That portion of the sediment which has settled on the bottom is very easily disturbed, and when water is being drawn out of the reservoir a stirring of the bottom by a dredge or other device will cause much of the material to rise and be carried off. As the water in a reservoir is drawn down, exposing the mud banks, it is practicable to bring the incoming stream at the upper end around the top contour of the reservoir in suitably constructed ditches, and then turn the water down, washing out the mud banks, either by the stream flowing across them or by confining the water in pipes and cutting out the accumulation of debris by hydraulic giants, similar to those used in placer mining or in hydraulic construction. An enormous amount of the light dirt can thus be moved at very small cost and run out through the lower gates of the reservoir";—what is your opinion with regard to that? It has very little bearing on the Barren Jack reservoir. The channel would require to be 40 miles long to take it along the top contour and to discharge outside the dam.
2233. Do you mean to suggest that you would have to take out the mud for 40 miles up to the dam? No; the suggestion is to divert the flow of the river by a channel along the top contour, and to take past the dam while you would be at work in the bottom.



2234. Here is another passage: "Another way proposed for keeping reservoirs clean is by means of floating dredges, particularly those which pump up the mud by suction and deliver it into pipes conveying it to the shore. Such dredges can be operated by electric power generated by a small portion of the water drawn from the reservoir for use in irrigation. By such means, adapted to the local conditions, it is practicable to keep a reservoir clean, just as other public works are kept in order. All great structures, whether for river and harbour improvement or for other purposes, require a certain amount of attention; and the fact that continual and intelligent care is needed for storage reservoirs cannot be used as an argument against their success";—what is your opinion with regard to that? There is a very vital proviso in that, namely, "according to local conditions." If you are in a steep gorge with steep sides, the silt will run back as fast as you pump it out. Local conditions have a most important bearing.
2235. Do you contend that this particular place is unique? Certainly not.
2236. Do you contend that these extracts, taken from these well-known engineering books, have no bearing upon this question? I do not say so.
2237. Do I understand it is intended you should go to America? Yes; I leave on Monday next.
2238. Is that to make some personal observations with regard to dam building? Yes.
2239. On a new principle? On a principle which has not been tried here.
2240. Is that in order that you may give evidence before the Public Works Committee on this very scheme? Yes.
2241. When do you anticipate that the Public Works Committee will take this scheme into consideration with the view of determining whether the Government shall build the dam? I cannot say. I dare say they will start to take evidence outside the actual estimate straight away. I cannot give a definite estimate until I come back.
2242. I understand that you or the Under Secretary anticipate that there may be a saving of £250,000 on this dam? Yes; if we can use the cheaper type of structure safely.
2243. Is that channel of economy open to private enterprise as well as to the Government? Yes.
2244. In giving your estimate of what it would cost Mr. Gibson, or anybody on his behalf, did you make any deduction on the supposition that this saving might be made by them? No; I specially stated in my evidence that that was thrown out as a suggestion for a basis and not as the actual cost to tie it down to.
2245. If you were put on your oath as to what this dam will cost, you know nothing about it, so far as making an estimate is concerned? Not as to the actual minimum it could be constructed for.
2246. I am talking of the actual estimated cost? I base my estimate on the same class of work as Mr. McKinney bases his estimate.
2247. The same data has been used for the estimate as you put before the Commission? Yes.
2248. But you have never made an estimate at all? It has been made under my directions.
2249. But you never made an estimate yourself? I never actually made up the figures.
2250. Who made it? The Chief Draftsman, Mr. Littlejohn.
2251. Can he come here? Yes.
2252. In making an estimate with regard to this work, how do you proceed;—do you take the cost of getting the stone? You take out the quantities and estimate the value of the work.
2253. Do you have to estimate the cost of getting the stone, carrying it to the site, and the cost of material in the shape of cement and sand? Yes.
2254. And the labour? Yes.
2255. You have not made an estimate, and have not since attempted to make an estimate? I have not made one yet.
2256. If the Chairman of this Committee were to ask you for your personal opinion as to the cost of a dam 130 feet or 200 feet high, could you give him any information of your own? Yes.
2257. What could you tell him? The estimate I have put in.
2258. But I said of your own knowledge;—could you give him any information of your own knowledge, apart from Mr. Littlejohn? Do you mean a complete estimate?
2259. That is what I mean? Not that I have taken out myself.
2260. When once you have ascertained what your stone, cement, sand, and labour is going to cost, and the cubic measurement of your work, is the same process applied whether it is a wide or narrow dam? Yes.
2261. Do I understand that in no case does the engineer make the surveys—that it is a different profession, that of surveyor and engineer,—and that you rely on the surveyors for data? An engineer must be a surveyor.
2262. But he does not make his own surveys? It depends upon how high up he is. If his time is valuable he employs men to do the surveys.
2263. A man with a large private practice does not take his own surveys? Yes; and the same applies with regard to estimates.
2264. Some engineers do not make their own estimates:—they take other people's? I do not say that.
2265. Do they not? No.
2266. Would the late Sir John Fowler make his own estimates? He would lay down the lines on which the estimates would be taken out. He would leave it to a small boy to add up the figures and to another boy to check them. Sir John Fowler would not make up his own estimates in detail.
2267. You could make the estimates on the surveyors data which you have in your Department? Yes.
2268. You could make an estimate which you could swear to as approximately right? Yes.
2269. You have no estimate which you will swear to as approximately right now? No.
2270. A weir was proposed to be made by the Department below Hay at a place called Maude;—when was that first proposed? I think it was first proposed by Mr. McKinney in the early days of the Water Commission; that was about twenty years ago.
2271. Has any plans been since prepared in the Department for carrying it out? No detailed plans.
2272. Has it since been promised? Yes; there was practically a promise made.
2273. Would that involve a large expenditure? I have not taken out detailed estimates.
2274. Would it run into hundreds of thousands of pounds? No; I should say that, approximately, it would be between £20,000 and £30,000.
2275. What is intended to be effected by that? The artificial flooding of country which would be naturally flooded in a high flood. It would be artificially flooded with a low river.
2276. What extent of country is it estimated could be flooded by means of that weir? I cannot say; but it would be a very large area.
2277. If that weir were made, would it correct the effect of conserving the water at Barren Jack? With regard to floods, you could make an artificial flood when the natural floods failed you. 2278:

Witness—L. A. B. Wade, 14 Oct., 1903.

2278. With that weir could you produce artificially the same effect that is produced naturally even after the dam were built? Yes, to a great extent.
2279. Would it provide by that artificial means as frequent a flooding as would be provided naturally? If you had the water you could provide it more frequently.
2280. So that you could flood that large area more frequently by artificial means than could be done naturally? Yes, provided you had the water.
2281. Would that area which you have mentioned take in the greater part of the land that is naturally flooded at present? I think so.
2282. So as to give them more floodings than they have at present by natural means? Yes, if the water is available.
2283. Have you formed any opinion of the Monier system? Yes.
2284. Is that the same principle as has been applied to the building of some bridges? Yes; it is a combination of iron with concrete.
2285. Has it been used at Strathfield in a bridge with great success? Yes.
2286. Is it used in some of the wharfs? Yes. It is used at present in constructing new baths at Woolloomooloo.
2287. Have you formed any opinion about its practicability for a dam? We have had sketch designs and estimates for small dams from the Monier agents, in Sydney, in connection with other works.
2288. How long is it since your trip to San Francisco was actually decided upon? About a fortnight.
2289. How long is it since it was first suggested? At that time.
2290. Is the primary object in sending you there to observe this system or certain work which is being carried out at San Francisco? Yes, with the assistance of Mr. Darley.
2291. Does your Department propose that this Bill should be hung up while you are making this inquiry? I make no proposal with regard to the matter.
2292. Is the time limited for the Government to begin the work long enough to admit of this matter being referred to the Public Works Committee and for you to give evidence when you return? Yes, it is ample. I shall be back in three months.
2293. If this Bill passes will it still be open to the Government to construct a dam, and whether the Bill passes or not your trip need not in any way interfere with it? No, there will be ample time—that is, if it is altered as Mr. Shand suggests.
2294. Then your trip and its results need not in any way interfere with the progress of the Bill, because you recognise that it will still be open to the Government to do the work? Yes.
2295. There will be plenty of time after your trip and after the inquiry by the Public Works Committee for the Government to begin the work within the statutory limitation? Yes.
2296. *Mr. Nathan.*] You were asked by Mr. Bruce Smith if when you gave evidence before the inter-State Commission you had examined the soil to be dealt with;—when you were stopped by Mr. Bruce Smith were you going to say that you had not a special examination made for that purpose, but that you knew the classification of the soil? No, I told Mr. Bruce Smith that the first classification of the soils was undertaken in February of this year. I looked up the papers this morning, and I found that my recommendation regarding the examination in the Murray Valley was dated December of last year; but in a previous report, about twelve months back from that date which I made to the Minister on water conservation generally, I recommended that no irrigation projects should be undertaken without first having a thorough classification of the soil.
2297. If the Government take up this matter under your scheme, is there any proposal that the Government should resume a large area of land for the purpose of re-selling it? There is no proposal at present, but, of course, it is possible under the Closer Settlement Act that such a proposal may be made at a later date.
2298. Is it your proposal under your scheme to charge water rates? Yes; that is provided by the Water and Drainage Act.
2299. You do not include in your scheme any taking up of land? No, the scheme would be taken up under the provisions of the Water and Drainage Act, which we work under.
2300. As far as you are concerned, any opinion which you have expressed is as a responsible officer of the Department with regard to the public interests? Yes.
2301. You were asked whether you have only gone into this matter recently;—is it not a fact that you have given the matter great consideration so as to qualify yourself to give evidence here? I had to go into the matter in detail to qualify myself to give evidence.
2302. How far do the records at Hay go back? I think the first discharges were taken by Mr. McKinney at the time of the Water Conservation Commission, about nineteen years ago.
2303. You were asked about the evidence which you gave before the inter-State Commission;—was that evidence given in the early part of 1902? About the middle of 1902.
2304. Was that before the very severe season which came at the end of 1902 and the beginning of 1903? Yes.
2305. So that whatever evidence you gave before that Commission you have since had the advantage of the experience of the season at the end of 1902–3? Yes.
2306. Is that why you think there may not be so much water going down at certain times? Yes.
2307. That is taking into consideration the three interests in the river? Yes.
2308. Have you any records of what the water was at Hay prior to twenty years ago? The worst period in our experience was subsequent to the time that I gave evidence before the inter-State Commission.
2309. Have you to consider that in any scheme which is brought forward now? Yes.
2310. With regard to your estimate that Mr. Gibson should pay interest on one-third of the cost of the dam; if Mr. Gibson built the dam to a height of 130 feet at a cost of £200,000, would he, according to this scheme, have control of the dam? Yes.
2311. If he got control of the dam what benefit would it be to him if he could only take so much water under the Act? I do not see any benefit.
2312. Mr. Bruce Smith said that one advantage would be that if anybody else wanted to get water for the southern side he would have to go to Mr. Gibson? Yes, that is in the event of his building the dam with a big base.
2313. If he were willing to find £200,000 to make a dam 130 feet high, then if you take the total cost of the dam at £450,000 you only suggest that he should pay interest on one-third of that? Yes.
2314. Which would not come to £200,000? On the total cost of the bigger dam he ought to pay one-third of the interest; that is the basis I have suggested.

2315. Do you consider that if Mr. Gibson were allowed to build the dam and have control over it, it would be a good thing for the people on the southern side of the Murrumbidgee to have to go to Mr. Gibson if they wanted water? He would hold the key of the situation.

2316. With regard to the opinion expressed by Mr. Newell in his book, may we take it that the United States Government stepped in because they found that there were vast areas of public lands which were not benefited by the irrigation scheme? Yes; that is the reason set forth.

2317. In this particular scheme is there not a great area of Crown lands which may or may not be benefited by it? Mr. Gibson said in his evidence that there was a large area of abandoned Crown lands that might be benefited.

2318. You were going to tell us something about silting on the Darling when Mr. Bruce Smith stopped you? Yes, I wished to show that in a report of January or February this year, long before Mr. Gibson's Bill was spoken of, I wrote a report about storage in the Darling, at Lakes Menindie and Pamamaroo, and I drew special attention to the deterioration likely to take place in the efficiency of the reservoir owing to silting.

2319. You were asked if the Barren Jack dam was unique, and you said it was not;—with all your experience and reading, and with your knowledge of this river, do you still think that if that dam were constructed silting would be a serious question? I certainly consider that the matter of silt will be a charge whether it is met by a sinking fund or by moving the silt by sluicing. It is a charge on the work which will have to be considered.

2320. Did you say that with a dam of 130 feet there are times when the height of the dam will be inoperative, but that a dam of 200 feet high would give water at all times? By a reference to the diagram I put in you will see that in all years except 1902 and 1903 a dam 130 feet high would have practically supplied 1,200 cubic feet per second at Narrandera. There would have been a small shortage according to my calculations in 1898, but nothing worth mentioning. There would have been a most serious shortage in 1902-3.

2321. But if a dam were erected 200 feet high there would be no shortage? I estimate that a 200-foot dam would have supplied 1,200 cubic feet per second during the whole of 1902-3.

2322. Do I understand that even with a dam 200 feet high at one period of 1903 the water would have been exhausted? It would have been just down to the bottom of the dam.

2323. *Mr. Bruce Smith.*] Is this record which you produce of the 30th March the only one you have from Mr. Mitchell in that month or in April? Yes.

2324. Will you undertake to communicate with him and ask him to send you records of any other dates in those two months? Yes.

2325. You were asked by Mr. Nathan whether the Government proposed or contemplated taking up any large area of land for re-sale if they carried out his scheme;—is it not a fact that the Crown has already in the vicinity of the proposed canal hundreds of thousands of acres? Mr. Gibson stated that in his evidence.

2326. Have you any reason to doubt that? No. I am not able to say what area could be commanded.

2327. Do you know that a large part of it has been abandoned? A large portion of Cowl Cowl has been abandoned.

2328. Do you anticipate that abandoned Crown land would become substantially valuable if canals were run through it? Yes.

2329. Is it not also contemplated that if the scheme were carried out by the Government they should resume a large tract of land to irrigate it? It is not contemplated.

2330. Have you recommended it? I do not think so.

2331. Did you not have it in your mind to resume a large holding and let it out in small farms? No.

2332. You will be satisfied with the abandoned Crown lands? Yes.

2333. *Chairman.*] Are you quite satisfied, not only as a public officer but as a citizen, that there is an absolute necessity for some irrigation work of this kind in that district? Yes.

2334. Is it not recognised generally by the Department that if the great bulk of the areas in the Central Division and the western part of the Eastern Division are to be ever made profitable or available for settlement large irrigation and conservation works must be carried out? Yes, to make them available for any smaller settlement.

2335. During the recent drought has not pastoral settlement suffered severely in Riverina? Yes; but it is a question as to what extent irrigation will pay with regard to the pastoral industry. There is no question of its paying in connection with small settlement and intense cultivation.

2336. Is it generally regarded as a necessity that some works of this kind should be constructed? Yes. I think it is a necessity that every drop of water should be used that can be possibly used.

2337. Do you agree that, if it were possible that works similar to this could be carried out in a reasonable time, it would be more advantageous for the State to construct them than to leave them to private enterprise? My recommendation to the Minister, from the beginning, was to leave the construction of the canal to Mr. Gibson, but that we should control the storage.

2338. That is to say, that the reservoir should belong to the State, or be under State control, and that the canals for distributing the water might belong to private companies? Yes.

2339. Do you know the provisions of this Bill pretty well? Yes.

2340. In view of the provisions of the Bill, and granting that the State were unable to carry out the whole of the work, will you, in the public interest as a public officer, tell the Committee what objection you have to any of the provisions of the Bill, or what amendments you would like to have inserted? I think all the amendments have been suggested by Mr. Shaud. I have gone into the matter with him.

2341. Do you think that the provisions in the Bill, safeguarding the interests of people who are affected by the backed-up water, or by the construction of any of the works below the dam or off-take, may reasonably be considered sufficient? I think so.

2342. Supposing the State did the work, would the Government undertake to give any further guarantees of compensation than are provided for in this Bill? All the guarantees are provided for in the Public Works Act in the event of the State carrying out the work.

2343. Is that the Act under which it is proposed to compensate according to this Bill? Yes; but the compensation for resumptions is to be fixed by the Land Board, which I think is a perfectly fair way of arriving at it.

Witness—L. A. B. Wade, 14 Oct., 1903.

2344. Do you think the local Land Boards are fair judges of what should be the compensation? I think so.
2345. Why? They are doing the same class of work every day in connection with other duties.
2346. Have they a knowledge of local conditions? Yes.
2347. If it were a question of leaving this work undone altogether for the next ten, fifteen, or twenty years, or having it done by private enterprise under a Bill containing these provisions and the amendments suggested by Mr. Shand, would you take it upon yourself as a public officer to recommend to the Government that a private company should be allowed to carry it out? It is questionable which would be the greater evil—to have the work postponed altogether, or to place the absolute control of the head works in the hands of a company.
2348. *Mr. Affleck.*] Which would you think would be the greater evil? I think we ought absolutely, in the public interest, have the control of the storage.
2349. *Chairman.*] Would you rather see no irrigation scheme than see the dam at Barren Jack in the hands of a private company, and controlled by that company? Yes.
2350. Would you rather see the work left undone altogether than see it carried out by a private company, with the dam controlled by that company? Yes. I think there should be no difficulty in coming to an arrangement which would be satisfactory to both the Government and the promoter.
2351. Do you know that Mr. Gibson said he was agreeable that the Government should construct the dam and let him construct the canals, the Government to supply him with water? Yes.
2352. Supposing that this Bill had never been heard of, can the Committee assume that your Department would have taken steps to place this proposal before the Public Works Committee and Parliament this Session? The Minister had decided to place the Barren Jack reservoir before the Public Works Committee prior to Mr. Gibson's Bill being shown to him.
2353. Had he decided to do that? Yes. I had instructions to prepare estimates for submission to the Public Works Committee.
2354. So that this proposal has not prompted the Department to make a proposal on its own behalf? No. It strengthened the hands of the Department.
2355. Did it hurry them up a bit? It strengthened their hands.
2356. Even supposing the Committee were to report to Parliament that this is a Bill which might safely be passed into law with the amendments suggested by Mr. Shand and yourself, would it interfere in any way with the proposal that is to be made by the Department submitting this work to the Public Works Committee and carrying out the work? No. I presume the Department will go straight ahead with it.
2357. *Mr. Bruce Smith.*] Or leave it alone, as the case may be? They will go straight ahead with the submission to the Public Works Committee, but before that could be dealt with by the Public Works Committee there would have to be some definite understanding as to how the water should be paid for. That is one of the most essential matters that should be arranged by the Government in putting it before the Public Works Committee. If this Bill be recommended by this Committee, the provision with regard to payment is contained in it.
2358. *Chairman.*] In this Bill do the company propose to supply water to people in their order along the route at a maximum price of one half-penny per 1,000 gallons? Yes.
2359. Does the Bill propose to compel people to take water? No.
2360. Under the Bill is it proposed to compel people to pay for water whether they take it or not? No.
2361. So that if the company were given the right to construct these works they would have to take the risk as to whether people would take the water or not? Yes.
2362. Under the departmental scheme do you propose to make them pay whether they take the water or not? Yes. They would be rated, and having paid, they would usually take the water.
2363. They would have to pay a water-rate, and please themselves whether they took the water or not? Yes.
- 2364-5. If you build a dam or any small conservation work under the Water and Drainage Act of last year, is it not proposed to make a charge for it, even in good seasons, when water is not wanted? Yes; there is a rate struck in connection with every water supply, irrigation, or drainage work constructed under the Water and Drainage Act.
2366. Is that principle part of your proposal? Yes.
2367. You say in your minute, which was submitted to the Under Secretary:
- It is possible that under these conditions the water may be taken past the doors of people willing to purchase water for the purpose of irrigating a proportion of their holdings, but the water may be unobtainable owing to a water right already having been sold attached to land disposed of by the promoter.
- Mr. Shand asked Mr. Gibson a question bearing on that. Is the Committee to understand that that suggestion still holds good, or does one of the amendments deal with it? I think one of the amendments deals with it.
2368. Are you satisfied that the difficulty pointed out there is obviated? I will have to leave that to Mr. Shand. As long as he is satisfied, we are.
2369. *Mr. Affleck.*] Will the amendments which Mr. Shand proposes to insert in this Bill conserve the interests of all the people whose land will be damaged? Yes; I consider that will be so.

THURSDAY, 15 OCTOBER, 1903.

Present:—

MR. AFFLECK,  
MR. FERGUSON,

MR. BYRNE,  
MR. D. R. HALL.

G. S. BRINER, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Mr. Nathan appeared for the Scottish Australian Mining Company.

Leslie Augustus Burton Wade, recalled, and further examined:—

2370. *Mr. Affleck.*] Did you say that the building of a dam 200 feet high would raise the level of the river up to the flooring of the Temas bridge? Yes.

2371.

2371. Can you tell the Committee what is the depth of the water to the bank and from the bank up to the floor? I have looked into the matter of the floor of the bridge, and I find that the deck level of the bridge is 50 ft. 6 in. above the bed of the river. I have not got the information with regard to the banks.
2372. Is that with a dam 200 feet high? Yes.
2373. What would it be with a dam 130 feet high? It would be necessary to take 70 feet off that, so that the water would not reach the Teras bridge.
2374. Then there will be no danger at the bridge unless the dam is raised to a height of 200 feet? I do not think it would affect the flood levels at 130 feet at that point.
2375. *Mr. Shand.*] You were asked a lot of questions by Mr. Bruce Smith about a diagram which you prepared, showing the storage of Barren Jack, and its conduct during the various years that are shown on it; when did you begin to prepare it? That diagram was commenced with other diagrams in connection with the Murray and the Darling in the early part of this year.
2376. Was that diagram commenced with a view to this Bill? No, before the Bill was heard of by me.
2377. Before this inquiry commenced did you see Mr. Gibson? Yes.
2378. Was that before the Bill was referred to the Select Committee? Yes; I think the first time that Mr. Gibson interviewed the Minister and showed him the Bill. The Minister sent him to me and he showed me the Bill.
2379. What took place between you and Mr. Gibson then? I suggested to Mr. Gibson that it would be advisable to have a provision in the Bill to enable the dam to be subsequently raised to 200 feet if necessary. I also asked him if he was being advised by any engineer in the matter. He said he was, and I suggested to him that it would be a good thing if his engineer met the Department in consultation as to different points in the scheme before it went any further. He did not appear to think that that was necessary, and it did not go any further.
2380. After you had finished the diagram did you show it to Mr. McKinney? Yes.
2381. There was no springing of it on the Committee? No.
2382. Mr. Bruce Smith objected to some evidence of yours as to the cost of constructing this dam;—did you give certain data to a subordinate? Yes.
2383. Since then have you gone through the figures and checked them? Yes.
2384. Since yesterday? Yes.
2385. Have you had time to get through them all? No, I have only had time to deal with a dam 130 feet high.
2386. What is the cubic measurement of a dam 130 feet high carried up on a basis of 130 feet? With a 130-foot basis I estimate it at 112,000 cubic yards.
2387. Is that on a basis of 130 feet? Yes.
2388. Have you worked it out for a dam 130 feet high, built on a basis of 200 feet? Yes; it is 253,000 cubic yards.
2389. Have you worked out any more? No.
2390. Was it on those figures that the estimate which you have given to the Committee was arrived at? Yes.
2391. In making that calculation what was the base width? With a 130-foot dam I have taken 20 feet width at the crest and 108 feet width at 130 feet from the top.
2392. What about a 130-foot dam with a 200-foot base? I have taken the section for a 200-foot dam with a top width at the crest of 20 feet and a width at 200 feet below that of 195 feet.
2393. You have taken the section for a 200-foot dam and the width at the top is 20 feet. Would the width be greater at 130 feet from the bottom? In taking the quantities I have lopped 70 feet off the top.
2394. In your opinion are those dimensions necessary for the safety of the dam? Yes, I went into the section very carefully.
2395. You were asked something about the saving it might be possible to effect if the dam can be constructed on some American principle. Are those calculations of yours for the same kind of dam as Mr. McKinney proposes? Yes.
2396. The quantity of water which you suggest would be a fair amount to allow Mr. Gibson, taking into consideration the three interests on the river, is 400 cubic feet per section;—is that based upon the experience gained during the year 1902 and the beginning of 1903? Yes, that is the minimum amount we could contract to give him in such a year.
2397. You were asked questions about your evidence before the inter-State Commission. There you provided for 1,500 cubic feet per section. Would that be available in a normal year? Yes.
2398. What was your estimate based on when you gave that evidence before the inter-State Commission? The evidence before the Commission was on the basis of the proposals set forth before by Mr. McKinney and Colonel Home.
2399. Has the experience gained since the inter-State Commission induced you to alter the quantity? Yes, the minimum.
2400. As to the gaugings at Narrandera, have you any further information with regard to Narrandera on your records? No.
2401. Are the records there very meagre? They are incomplete.
2402. Is that the reason why you took the gaugings at Hay? Yes; if they had been complete at Narrandera that would have been the natural place to take the records.
2403. Have you gone into the records at Narrandera since? Yes, as far as we have them.
2404. Up to what time? Up to the present.
2405. What do they show? That if I had taken them into calculation they would have shown that there was less water going past Narrandera than I show on that diagram based on the Hay flow. That is, the total amounts for the year would have been less.
2406. Would they have been less at Narrandera than you have shown at Hay? Yes, on the information we have; but it is incomplete.
2407. Did you take the worst records in the Department to compile your information? No, I took what I thought was the most reliable.
2408. Mr. Bruce Smith asked you some questions as to whether any dams had been rendered useless by silt. You mentioned one. Have you turned up records which show that silt may be a very serious factor to be reckoned with? I have records of three Spanish dams, showing that they find silt to be a very serious matter.

Witness—L. A. B. Wade, 15 Oct., 1903.

2409. What are the particulars? I gave particulars of one dam yesterday where the silt was deposited to a depth of 75 feet in fourteen years. I have another instance quoted by Wegmann—of a dam on the Rio Luchena, where it is stated that owing to the opposition of the land-owners below the site of the dam, who claimed that the scourings of the sediment injured their property, the reservoir has not been used for years, and is now completely filled with deposits. When the river is high, it forms a beautiful waterfall over the old dam. It is called the dam of the Valley of the Infernios. That is the one which was absolutely destroyed.

2410. Have you the facts with regard to any others? There is another, the Elche dam, where it is stated a scouring gallery to deal with the large quantity of silt deposited had to be put in. I mention these three Spanish dams because Mr. Bruce Smith asked me if it was a fact that in Spain dams lasted for hundreds of years without silting.

2411. *Mr. Bruce Smith.*] Did you not contend that you would have to rebuild the dam in fifty years? No, I took that as the basis of a calculation.

2412. *Mr. Shand.*] When you gave that evidence as to the effective life of a dam were you taking into consideration either rebuilding or the cost of cleaning? Yes, as a yearly liability which would have to be met.

2413. Mr. Bruce Smith asked you whether you considered the proposition to carry out the dam on a basis of 200 feet, and to charge one-third of the cost to the promoter was a fair one;—supposing that Mr. Gibson had only a 130-foot dam during 1902, what flow would that have ensured? I estimate that it would have ensured a total flow of only 800 cubic feet per second throughout the year—that is continuously. I refer to 1902 and 1903.

2414. You were also asked questions about other dams being feasible on the Murrumbidgee, and you mentioned one at Eumeralla and another at Tantangra;—id Colonel Home report on those? Yes; on all three of them in his report.

2415. What was his opinion as to the value of Eumeralla and Tantangra? That he considered Barren Jack was much superior to either of the other two.

2416. At what page of his report? Pages 8 and 9, and paragraphs 29, 30, and 31, he deals with those three storages.

2417. What does Colonel Home say about the other two? He said that the principal defect with regard to Tantangra was the small catchment area of 188 square miles. The principal defect in Eumeralla is that a dam of a maximum height of 60 feet will endanger the Cooma railway, and in flood-time would involve a most expensive deviation, which would practically put that dam out of the running for storage purposes; so that we are practically left with one good site on our hands, that is Barren Jack.

2418. There is one answer which you desire to explain; that is No. 2103. You say in that answer,—

Assuming your own figures, Mr. Gibson can get a constant supply of 750 cubic feet per second with the construction of a dam 130 feet high, at a cost of £200,000. He admits that a 130-foot dam would give him barely sufficient for his requirements in 1902. In some months there would have been a shortage, therefore there would have been no water for anybody else. Therefore for a supply for the south the whole of the water must be supplied absolutely from stored water. 750 cubic feet per second for twelve months is equal to 25,000 million cubic feet.

Will you explain what you mean by that? I mean if the people on the south side came to Mr. Gibson and said—"We want you to construct a canal on the south for us, what can you do it for?" He would have to say, "In a year such as 1902-3 there is no water for you, and you will have to be supplied wholly from storage. You cannot draw on the river flow, because I have got that already for my canal."

2419. *Mr. Bruce Smith.*] You mean without going any higher with the dam? Yes; if they went to him, he would have to say, "I will have to supply you wholly with stored water." He would have the advantage of drawing portion of his supply from the natural flow of the river, making up the deficiency by storage, whereas a man on the south side would have to draw his supply wholly and solely from storage, and the twelve months' volume of 750 cubic feet per second amounts to about 25,000 million gallons, which is almost the capacity of the Barren Jack reservoir with a dam 200 feet high. In order to supply the south you would have to build a reservoir to give a storage of 25,000 million cubic feet, which would cost on the same basis £600,000. The people on the south would be obliged to pay £600,000 for what Mr. Gibson pays £200,000.

2420. *Mr. Shand.*] When you say, in question 2132, that it will be easy for the Government at any time to exercise the powers under the Bill and take over the dam and construct the remaining portion of it, and allot a fair proportion of water to the south side, is that on the assumption that the dam will be built on the basis of a 200-foot structure? Yes.

2421. Otherwise you have explained that it would be impossible to alter it? Yes.

2422. Some diagrams have been put in showing the gaugings of the river during various years;—do you regard those diagrams as being capable of affording reliable information to the Committee as to the amount of water that is available? No.

2423. For what reason? The diagrams show the height of the river on the gauge from day to day at Wagga Wagga, and they also show the discharge of the river at Wagga Wagga at each 5 feet on the gauge. Between these 5-foot markings you have to interpolate the discharges, and they increase considerably as you go up. With this small scale it would be rather an approximation, but these diagrams would be of considerable assistance to an engineer or an expert in constructing a diagram to show the behaviour of the reservoir at Barren Jack, or the supply available at Narrandera. For that purpose it is a valuable diagram to an engineer, but for the purpose of showing the Committee what quantity of water is available in a canal at Narrandera it is useless.

2424. Do you know any satisfactory way of showing the state of the case to the Committee other than by the preparation of a diagram such as you have prepared? It is the only way in which you can actually demonstrate what is the behaviour of the reservoir, or what would be the quantity of water available.

2425. Has that been adopted in similar cases to your knowledge? Yes.

2426. In what cases? When the Royal Commission on the Sydney Water Supply were investigating the proposal of the Cataract dam they had diagrams prepared showing the behaviour of the reservoir on somewhat similar lines to the diagram I put in. Of course, they also had diagrams of this description from which the information was drawn to construct their diagram. This is merely data.

2427. Did that Royal Commission comprise the Chief Engineers of the Departments? Yes.

2428.

2428. Have you verified that diagram of yours in any way by reference to Colonel Home's data? Yes, Colonel Home constructed diagrams.
2429. What was his last year? 1897. Colonel Home constructed diagrams and tabulated the result in Appendix B of his report, page 27. That was on the base of a canal supplying 1,000 cubic feet per second at Narrandera with a flow of 500 cubic feet per second in the river. That is a total of 1,500 cubic feet per second. The diagram I put in shows 1,200 cubic feet per second at Narrandera as against 1,500 cubic feet per second, which is fairly close. In 1897 Colonel Home estimates that there would have been a shortage to be made up from storage of 7,500 million cubic feet. My diagram shows that in 1897 there would have been a shortage of about 5,000 million cubic feet, which is slightly less than Colonel Home's estimate, and is in connection with a slightly less quantity.
2430. Allowing for the difference of the flow, as provided for by you and Colonel Home, does your diagram practically agree with his estimate? I consider it is a very fair agreement.
2431. Have you worked out all your diagrams on the same basis? Yes.
2432. Can you refer the Committee to any allowance for losses in the water before it gets to the off-take by Colonel Home in support of your opinion? At page 8, paragraph 29, in dealing with the Tantangra storage, Colonel Home says, "Assuming one-third of this ran off, the volume available would be 9,268 million cubic feet, which could be stored by a dam 125 feet high, at a probable cost of about £150,000, and may be expected to yield the 8,000 millions required at the head of the proposed canal." The difference between 8,000 million gallons and 9,268 million gallons stored amounts to a loss of 13 per cent. between Tantangra and Narrandera.
2433. Colonel Home allows 13 per cent for that;—what have you allowed? I have allowed 10 per cent. between Barren Jack and Narrandera. I consider the additional 3 per cent. allowed by Colonel Home from Tantangra is practically on the same basis as my own.
2434. Mr. McKinney in his estimate, I understand, has allowed nothing for those losses? Yes.
2435. Colonel Home allowed that loss with the data which was supplied for those various years on which he reported. I presume so.
2436. 1902 was not available then, or any year like it? No.
2437. *Mr. Bruce Smith.*] You have allowed nothing for inflow between Barren Jack and Narrandera? Not in 1902, except the Tumut River. I allow for the Tumut River all through.
2438. Does this evidence refer to 1902 only? No.
2439. *Mr. Shand.*] Is it not a fact that Colonel Home, taking all matters into consideration, allowed for a loss? He has allowed for a loss of 13 per cent.
2440. *Mr. Bruce Smith.*] Is that the result of inflow or loss? There are more inflows between Tantangra and Narrandera than between Barren Jack and Narrandera.
2441. *Mr. Shand.*] Is there any suggestion that he has omitted inflow? No.
2442. In your calculation have you allowed for all reasonable inflow? Yes.
2443. Mr. Bruce Smith suggested that your evidence might be tinged with a desire to keep the construction of this dam for your own aggrandisement;—is your evidence tinged in any way by a desire to keep the construction of this dam for your own benefit? I am not aware of it.
2444. On the question of the probability of the south side being irrigated, do you know whether outside, of the Government proposal, there is any suggestion of irrigation being carried out on the south side? Mr. McCaughey told me, a couple of days ago, that if this Bill got through he would go in for one for the south straight away.
2445. So in view of that is it specially desirable to treat the south side of the river the same as the north? Yes.
2446. *Mr. Bruce Smith.*] With regard to the records which you had here yesterday, will you tell me how long the water takes to get from Wagga Wagga to Hay? It varies with the condition of the river.
2447. At a time when it is flowing about 2 ft. 7 in. below summer level, how long would it take to get from Wagga Wagga to Hay? Possibly it would take a couple of weeks at a very low stage. I could not say absolutely.
2448. Do not the records show that on the 1st March at Wagga Wagga the water was 5 inches above summer level? I cannot say.
2449. You were going to get more information;—have you got it yet? No.
2450. If you find that at Wagga Wagga on the 1st March the river was 5 inches above summer level, and at Hay on the 18th March it was 2 ft. 7 in. below summer level, would not that suggest to you a great disparity between the river levels at the two places? It all depends upon what you assume to be summer level.
2451. Is not that recognised? No, we do not recognise it at all.
2452. What do you take as the standard? I think Mr. McKinney is one of those who has spoken strongest about summer level. It means nothing. It is just what the people like to fix. We take zero on our gauge as reduced to the datum of high-water mark at Sydney. That is the only thing we recognise.
2453. Have you any reason to doubt that at Hay on the 18th March there was something under 20 cubic feet per second going by? No, it is quite probable.
2454. Do you know that on the 1st March at Wagga Wagga, eighteen days previously, the flow was 300 cubic feet per second? No.
2455. Would that state of things suggest to you a great disparity between the two places? It would suggest a great decrease in the flow.
2456. At Hay as compared with Wagga Wagga? Yes.
2457. With regard to this Spanish dam in the Valley of Infernios, is it not a fact that that was an abandoned reservoir because of the injury to property below it by the scouring? Yes.
2458. Was there provision for scouring, but the scouring did so much damage that they abandoned the dam and neglected the scouring? Yes.
2459. And it filled up, as a natural consequence, in fourteen years? Yes.
2460. Cannot the whole of your evidence be boiled down to these few simple facts—that if the experience of 1902-3 had not come to you, you would have maintained the position you took up before the inter-State Commission that you could draw on this river to the extent of 1,500 cubic feet per second? Yes, with storage.

Witness—L. A. B. Wade, 15 Oct., 1903.

2461. And it is only the experience of 1902-3 which has made you hesitate to approve of anything which provided for that continuous supply? No; I do not think that is quite my position. The position I have stated is, that if the Government construct this work, and they contract with Mr. Gibson to supply him with water by measure, they cannot contract to supply him with more than 400 cubic feet per second.
2462. I am speaking now as to your view of this Bill; when you were before the inter-State Commission you gave them in absolute figures, without any conditions at all, the information that the river could be drawn upon to the extent of 1,500 cubic feet per second for the two sides of the river—1,000 cubic feet for one side and 500 cubic feet for the other? Yes.
2463. Would you have preserved that attitude towards the possibilities of the river if the experience of 1902-3 had not come? Yes.
2464. Do you admit that there is no precedent for 1902-3? Not to my knowledge.
2465. Your only reason for cutting it down is lest the same conditions should recur? Yes.
2466. Do you think it is necessary to cut it down absolutely, or simply to cut it down as a minimum, with the right to use up to 1,500 cubic feet per second for both sides, provided that such weather does not recur? We wish that the people we contract with, and the people who are dependent on those with whom we contract, should know the maximum quantity they could have been supplied with in a year like 1902-3. It is to safeguard the people who will be dependent on Mr. Gibson, also Mr. Gibson and ourselves.
2467. Do I understand you to recommend the Committee that in no case shall they allow anybody to have a right to more water than 400 cubic feet per second, because the conditions of 1902-3 may recur? I have not stated that at all. I have stated that 400 cubic feet per second is the maximum that we can undertake to supply in such a year as 1902-3; but then, as the flow increases, Mr. Gibson would be entitled to one-third of the flow up to 750 cubic feet per second.
2468. How could that be put into a practical form—400 cubic feet per second as a maximum, and a right to one-third of the additional flow;—what would it be made to depend upon? Until the storage canal is constructed, Mr. Gibson would not be tied down to one-third. As long as the river had its proportion, he would, perhaps, have one-half; but directly the southern side had to be served, he would have to come down to his one-third.
2469. You would not object, until the southern side requires to be served, that he should have half the water, as long as he did not exceed his allowance? Yes.
2470. And that when the southern side came to be supplied he would be restricted to 400 cubic feet per second as a maximum, unless the Department saw fit to give him more;—would that meet with your approval? Yes, I think so.
2471. You know that the Bill already provides that over and above the 750 cubic feet, when it is available, the Minister can give him permission to take more? Yes.
2472. Until the south is supplied, you would not mind the power being put into the Bill that the Minister could grant one-third of the surplus over and above? It would be entirely in the hands of the Minister.
2473. It could be put in this way: "Until the south is supplied, 600 cubic feet per second; when the south is supplied, 400 cubic feet per second, subject to the Minister's approval for more"? Yes.
2474. Is that with a 200-foot dam? Yes.
2475. What would be the case with a 130-foot dam? On the basis I have gone upon, it would have delivered 800 cubic feet per second at Narrandera in 1902-3, as against 1,200 cubic feet.
2476. Even with a 130 foot dam, until the south side is supplied you would not object to 400 cubic feet? No.
2477. And the right to take more, with the Minister's permission? Yes.
2478. *Mr. Shand.*] Is 400 cubic feet per second sufficient for the river? That is what I divided it into in the first instance—three 400's.
2479. *Mr. Bruce Smith.*] In speaking of the other two sites, you do not condemn them;—does the Department regard them as reservoirs likely to be useful in future? Yes; for instance, Eumerella is an excellent site in itself—quite as good as Barren Jack as a site,—but there is the expensive item of shifting the Cooma railway.
2480. *Chairman.*] With your knowledge of the provisions of this Bill, is it one that you could advise the Committee to recommend to Parliament, providing that the amendments suggested by Mr. Shand and yourself are included in it? The specific amendments suggested by Mr. Shand do not, I think, cover the suggestions put forward in my minute; therefore, I could not recommend the Bill.
2481. In that minute to which you refer, and to which is added a minute by the Under Secretary, one of your suggestions is: "It is possible that under these conditions the water may be taken past the doors of people willing to purchase water for the purpose of irrigating a proportion of the holdings, but the water may be unobtainable owing a water right already having been sold attached to land disposed of by the promoter";—was not that one of your objections? Yes; that has been provided for.
2482. Will you tell me what objections in your minute have not been provided for? That with regard to the construction and control of the storage dam.
2483. Is that all? Yes.
2484. Then you still think that the control of the dam should be absolutely under the Public Works Department? I consider so.
2485. You say that the Department would be quite willing to allow the promoter to construct the dam at Barren Jack on the condition that he accepted 4 per cent. debentures, and handed the work over to the Department? That is one suggestion which I thought might fall in with the views of the promoter.
2486. *Mr. Bruce Smith.*] Is that a *sine qua non*? No.
2487. *Chairman.*] But that is the only condition on which you agree to his constructing the dam? I put forward the suggestion as one which the Minister might consider.
2488. What is the other? Of course, I say that we have had no discussion with the promoter on the matter yet—that is, as between the promoter and the Department.
2489. If the Bill contains a clause providing for the resumption of this dam by the Government at any time, is not that equal to the control? No; because it is out of the hands of the Government until it is resumed.



2490. Then you do not think that the fact of the Works Department having the power to resume the dam would be a sufficient safeguard of the public interest? No; I do not think it ought to go out of the hands of the Department.
2491. Does the Bill provide for regulations covering the distribution of the water? Yes.
2492. Are those regulations subject to the approval of the Government? Yes.
2493. Does the Bill provide for a maximum charge of one halfpenny per 1,000 gallons? Yes.
2494. In measures of this kind, whether State measures or private measures, is it generally the case that maximum rates are charged? No; we recognise that if they could sell the whole of their water at the maximum rate, the yearly income would be enormous. But at the same time we recognise that in some years they might sell nothing and in other years a comparatively small quantity. In 1902-3 they would have sold all they had. In view of the charges made by the trusts in Victoria, I consider that one halfpenny per 1,000 gallons is not excessive.
2495. Do you think the charge in the Bill is excessive? No.
2496. Is the difference between the proposal in this Bill and any State scheme, that in this Bill people who do not use the water—who do not want it—or refuse to use it, will not have to pay anything, but under any State scheme they would have to pay whether they used the water or not? Yes.
2497. Did you say that a dam 130 feet high, built on a base for 200 feet high, would cost £450,000? Yes.
2498. Did I understand you to say that if the dam were built at first up to 130 feet on a base for 130 feet, and that afterwards an attempt were made to increase the width of the base so as to carry the dam to a height of 200 feet, there would be a danger of cleavage? Yes; I would not take the responsibility of doing it.
2499. Under these conditions, would your Department sanction the construction of any dam which had not a base sufficient to provide for a height of 200 feet? No; not a dam of the class that we are considering now. With a different class of dam, such as the rock-filled dam as it is suggested we may ultimately carry out, you could build up on the smaller base and thicken it afterwards, but we have not sufficient information before us at present.
2500. As far as the present proposal is concerned, with the data you have now, do you consider there is any possibility of the Government sanctioning the beginning of a dam on any base which would not be sufficient for a dam 200 feet high? I do not think there is any possibility.
2501. You were asked a question about the flow of the river from Wagga Wagga to Hay, a distance of about 180 miles;—the flow, you said, would take about a fortnight to reach Hay from Wagga Wagga? That is with a very low flow.
2502. Would it not vary with the height of the river? Yes.
2503. Would a 3-foot flow reach Hay in about fourteen days from Wagga Wagga? If the river were half a banker, and another rise came down on top of it, it would go down in a very few days.
2504. With regard to all the figures that have been given bearing on the cost of the construction of this dam, and the effect of evaporation or waste, I suppose opinions would differ very much, no matter what engineers gave evidence? It all depends upon what information you have on which to base your opinion. Of course, these diagrams and the information prepared were started in perfect good faith for the information of the Department, before Mr. Gibson's Bill was heard of by us, on a basis which I thought was sound.
2505. Were these estimates which you have given us based on as careful inquiry as you could possibly make so far? Yes; with the information at our command in the Department.
2506. Something was said by Mr. McKinney about providing for navigation at the weir;—was it suggested that you might show the Committee a model of the weir which is in the possession of the Department? Yes; I have the model here.
2507. Will you explain to the Committee the working of that model? Yes. (*The witness explained the working of a model of the proposed weir.*)
2508. Is that model which you have explained to the Committee the model of a weir which is at present in existence at Bourke? Yes.
2509. Does it show the means by which navigation can be facilitated? Yes.
2510. Does it provide for the automatic escape of the water so as not to interfere with ordinary flood levels? It provides for the diversion of water into the canal without interfering with the flood level.
2511. How long has that been in use at Bourke? For six or seven years.
2512. Have you had any floods there during that time? Yes, some good ones.
2513. Has it been found to work satisfactorily? It has been perfectly successful all through.
2514. Do you say that there are three interests to be served with regard to this scheme—that is, the northern and southern sides of the river for irrigation, and the interests of the people on the river? Yes.
2515. Providing that the people on the southern side wanted irrigation, would it be possible, under the provisions of this Bill, for them to obtain water without any further legislative action, presuming this Bill were passed? No; I take it that the people on the southern side would require a Bill if the works are to be constructed by a private corporation.
2516. With your knowledge of the Bill, and the effect of a scheme like this, do you think that if water is conserved, as it may be conserved under a scheme like this, that a private company would refuse to supply water on one side if it paid them on the other? No; if it paid them on one side no doubt they would tackle the other side.
2517. Is your objection based on the fact that they would not have sufficient water? Yes; under a proposal for a dam 130 feet high.
2518. Would you take up this position: that if you could not supply the people on both sides of the river with water, and although they have had no water during the whole course of their history, you would not supply the people on either side because you could not supply them on both sides? No.
2519. With regard to the interests down the river, you cannot help knowing that there is an objection to a proposal of this kind, because the people below the off-take say that navigation may be impeded, and that their rights may be otherwise interfered with;—do you think that a scheme like this by the Government or by private enterprise would seriously affect the interests of people down the river? There is no doubt that at certain periods the scheme would affect navigation, and the construction of a storage will affect the flooding of the low-lying lands on the Lower Murrumbidgee.
2520. Would that effect be permanent, or would it be temporary—that is to say, once the reservoir were filled, would not the flood waters get away and flood those low-lying lands just the same? In a succession of

*Fitness*—L. A. B. Wade, 15 Oct., 1903.

- of good years the reservoir would have no effect at all, but in years below the average it would certainly have an effect on the flooding of the low-lying lands.
2521. Would not those injurious effects, whatever they might be, occur under a Government scheme just the same as under this scheme? Yes.
2522. Beyond the immediate local effect of irrigation schemes such as this one, is there any question of State rights involved? Yes; I believe there are. I have not touched at all on the subject of State rights. I think the Under Secretary will be able to give information about that.
2523. Do you know that the Goulburn River, which you say is a parallel river to the Murrumbidgee, and stands much in the same position as a feeder of the Murray on the southern side as the Murrumbidgee does on our side, is now the subject of schemes the same as this one? Yes.
2524. Is it not proposed to take 1,750 cubic feet per second from the Goulburn River? Yes; a channel of that capacity has been constructed for some years.
2525. Is it proposed to take another 300 cubic feet per second from that river? Yes.
2526. Is not that a very much greater volume of water than is proposed to be taken out of the Murrumbidgee, either by this company or by the Government? Yes; if they keep those channels full it will be a larger quantity.
2527. Has the government of New South Wales entered any protest against a scheme of that sort? No.
2528. Would you be prepared to say that if any protest were made by your Department you believe that it would be entertained by the State of Victoria? I am not prepared to say.
2529. As an engineer, and having dealt with the Murray and Murrumbidgee systems, do you think that the question of State rights will ever be recognised sufficiently to interfere with irrigation and water conservation in New South Wales? I hope not.
2530. Under this proposal, and under the proposal which the Public Works Department intends to submit, is the water to be used for the most part water that now goes to waste? Yes.
2531. Either the State scheme or the scheme of the promoter of this Bill would provide for a minimum flow down the river of about 500 cubic feet per second? Yes.
2532. As long as the supply would stand that strain? Yes.
2533. So that it is practically the water that now runs to waste which it is proposed to use for irrigation? Yes.
2534. Is this the position: that, for practical purposes, it is not proposed to interfere to any great extent with natural conditions as far as the river is concerned? It will interfere with natural conditions to a certain extent, as far as navigation is concerned, at certain periods.
2535. Will it do so to a great extent? It will depend upon whether it is a good or a bad year; that is the only interference which there will be.
2536. Do not natural conditions interfere very often with the navigation of these rivers? Yes, absolutely.
2537. Are you going to California shortly? Yes.
2538. To meet Mr. Darley and get information about dams? Yes.
2539. Have not nearly all the irrigation works in America been carried out by private enterprise? Yes.
2540. Has there not always been danger there which has sometimes resulted in the bursting of dams? Yes.
2541. Does not this proposal stipulate that any dam constructed at Barren Jack will be carried out practically under State supervision? Yes.
2542. Must not the specifications be approved of by the Public Works Department? Yes.
2543. So that any danger of that kind in this instance is very much minimised? Yes.
2544. Is Mr. Darley regarded as a good engineer? Yes; as a very able man.
2545. How long do you expect to be away? I expect to be back in three months.
2546. Will the Government proposal be submitted to the Public Works Committee when you are away? I understand it will.
2547. *Mr. Byrne.*] Do you know the country below Maude—the Nap Nap polygonum flooded country? Yes.
2548. If this dam were erected, and the scheme carried out, would it have any permanent effect upon the periodical flooding of that country? The storage of water would undoubtedly have an effect on the flooding of that country, except in very good years.
2549. In your opinion, would there be less flooding after the erection of this dam than there has been in years past? Yes; there would be less flooding, and the water would be put to a much better use. Of course the loss of the natural flooding can be neutralised by the construction of a weir which is proposed to be erected near Maude.
2550. Would the country which would be served by this irrigation scheme be very much larger in extent than the country which has been flooded in the past at Nap Nap and below it? I consider you would get an infinitely better result for the country in every way under this scheme.
2551. *Mr. Bruce Smith.*] If the proposed weir near Maude were constructed at a cost of about £20,000 by the Government, would it neutralise the effect of the dam in reducing flooding and make the flooding almost normal? I do not think it would do so to the same extent, but it would very largely neutralise it, and it would make the flooding more regular.
2552. *Chairman.*] Do you think the advantages to be gained from a scheme of this sort would outweigh very largely the disadvantages arising from any loss of flooding? The irrigation of that polygonum country by natural flooding is an absolute waste of good water. It would be put to far better use by irrigation.
2553. Do you think that the advantages to be gained from a scheme of this kind would outweigh any disadvantages arising from the non-flooding of the land below? Yes.
2554. *Mr. Affleck.*] If this scheme be carried out now, is there a possibility at some future time of the Government constructing other dams at Eumeralla and Tantangra? That I cannot say.
2555. Is it likely? It would depend entirely upon the results achieved at Barren Jack. There are so many schemes in connection with other rivers that I think the time will be far distant when there will be sufficient money to spare to erect further works on the Murrumbidgee.
2556. Did you say that you expected that the silting up of the Barren Jack dam would be prevented to a considerable extent by other works further up the river? No.

2557. *Mr. Bruce Smith.*] Do you know that this passage occurs in Mr. Deakin's report on irrigation in America:—

State Governments never have done anything in the way of undertaking or assisting in the construction of irrigation works. They are not expected to undertake them, and there does not appear any likelihood of their ever having any proprietary connection with them. The central Government maintains if possible an attitude of even greater indifference. All the irrigation works of Western America, with the exceptions above named, have been constructed and maintained wholly and solely by private persons. Not only has the Government spent nothing on them, but it has known nothing of them.

?—Yes; I recollect that passage. That is Mr. Deakin fifteen years ago.

TUESDAY, 20 OCTOBER, 1903.

Present:—

MR. BYRNE, | MR. FERGUSON,  
MR. H. MACDONALD.

W. AFFLECK, Esq., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Joseph Davis, Under Secretary for Public Works, recalled, and further examined:—

2558. *Mr. Shand.*] When Mr. Wade was giving evidence, he was asked to get the records of the discharges of the river at Hay during certain months;—have you got a telegram which was sent to Mr. Wade by the officer in authority, giving some information? Yes; it is a telegram dated 15 October, addressed to Mr. Wade by Mr. Mitchell, who is our officer at Hay. It says: "Discharge taken, March 12, gauge 2 feet 2 inches below zero; discharge, 27.12 cubic feet per second. March 30, gauge 1 foot  $\frac{1}{4}$  inch below zero; discharge, 199 cubic feet per second. No discharges taken in April. Gauge fairly constant to beginning of May. Confirming by letter."

2559. The last time you were examined you read a minute on which you had approved, and in which you agreed that a fair proposal for the promoter in this case was to pay one-third of the cost of constructing the dam to a height of 200 feet? Yes.

2560. In coming to that conclusion, did you take into consideration the question of the silting of the dam among other things? Yes, it is a factor that must be reckoned with.

2561. Have you gone into the question of silting in this State? We have had some experience of it in some places, notably at Broken Hill in connection with the Stephen's Creek reservoir.

2562. What has been the result at Stephen's Creek? The reservoir in the deeper portions has silted up 7 feet or thereabouts during ten years.

2563. Would that afford any criterion for the Committee to go on as applied to the Murrumbidgee? I do not think so; every case with regard to silting must be taken on its own merits.

2564. Have you formed any opinion as to the probable silting in the Murrumbidgee at Barren Jack? Unless we have some sort of data, I do not think any opinion I can give would be of any value, as it may be challenged; all I say is that silting is a factor that must be reckoned with, and eventually no doubt a large portion of the holding capacity of the Barren Jack reservoir would be taken up by silting. As to what extent is very problematical.

2565. In writing the minute which has been read, did you consider the three interests—the Northern Murrumbidgee, the Southern Murrumbidgee, and the river interest? Yes.

2566. In your opinion would it require a 200-foot dam to supply the three interests? I am not so positive about that. That would be the case if you took a year like 1902-3; it would then require a dam 200 feet high.

2567. In normal years would a smaller dam do? Yes, I would go further; unless the year was exceptionally bad, and the year 1902-3 was by far the worst on record, a smaller dam than 200 feet would be sufficient.

2568. Has some agreement been entered into with Mr. McCaughey under the Water and Drainage Act? Yes.

2569. What is the agreement which has been entered into? Mr. McCaughey is anxious to get a more permanent supply for his North Yanco station. At present he gets a gravitation supply on certain conditions in the river through Cudgel Creek. At other times, when he cannot get that supply, he pumps it direct from the river into the channels. It is proposed, under a scheme which he advocated, that a cutting should be made from the river just below Narrandera and continued until it reaches Cudgel Creek; by that means he would get water by gravitation for longer periods than he can now. Perhaps I had better read the minute which was prepared after the matter was considered by the Board appointed under the Water and Drainage Act. It is dated 3rd September, 1903. It is as follows:—

The Hon. S. McCaughey has asked that the first portion of the main Northern Murrumbidgee canal—i.e., from Narrandera to Cudgel Creek, a distance of about 3 $\frac{1}{2}$  miles—be constructed. The Principal Engineer for Water Supply and Sewerage estimates the cost, on a cross-section sufficient for the present purposes, at £11,000, and Mr. McCaughey offers:—

- (1) To purchase Government 4 per cent. stock to this amount.
- (2) To pay to the Crown for water to be supplied the sum of £440 per annum, being the equivalent of the interest on the Government stock.

The Water Conservation Board has had this application under consideration, and the opinion of the Crown Solicitor has been obtained upon some points arising under it.

At a Meeting of the Board held to-day it was resolved to recommend that Mr. McCaughey's offer be accepted, and the work carried out as a State work under Section 4 of the Water and Drainage Act.

The Board are of opinion that the work is justifiable for the following reasons:—

- (1) That the channel, though for the present having a smaller cross-section than will ultimately be required, forms part of the main Northern Murrumbidgee canal, which it is proposed to construct.
- (2) That the diversion of the water will not be prejudicial to the interests of residents lower down the river, as no water will flow into the channel until the river is 2 feet above summer level, and under the agreement to be made with Mr. McCaughey the Minister will have the power to regulate the flow.
- (3) That in the event of other persons requiring the water, or for other reasons—e.g., the necessity of enlarging the channel to provide water to such trusts as may be proposed,—the agreement can be terminated and fresh arrangements made.

(4)

Witness—J. Davis, 20 Oct., 1903.

(4) That interest on the outlay will be assured.

(5) That it is very desirable to afford facilities for irrigation to those whose enterprise and skill in the use and application of water will afford valuable object lessons to the community.

Mr. McCaughey is perhaps already the largest user of water for irrigation in the State, and his experience will provide data useful to cultivators generally.

STEPHEN MILLS,  
Executive Member.

I wrote on that:—

I submit the report of the Water Conservation Board for approval. It will be necessary, if the Minister's decision is in accord with the report, that before the work is carried out the Crown Solicitor should be instructed to prepare the agreement referred to. When this is done a contract could be let for the work, and it might be stipulated that it should be carried out at such a rate so that the cost thereof would be included in the £3,000 monthly approved of by the Honorable the Treasurer for this class of work.

Mr. McCaughey on the 9th September wrote to Mr. Hayes, Honorary Minister, as follows:—

Your letter of the 5th instant is to hand, and I thank you interviewing Mr. O'Sullivan *re* cutting into the Cudgel Creek from the Murrumbidgee.

In reply I may state that Mr. Wade has all the particulars in connection with this work, the Works Department having had all the levels taken with the view of carrying out the work which I proposed to undertake. Mr. Wade has taken out the quantities of earth to be removed and has drawn up an estimate of the cost, so that everything is in order if Mr. O'Sullivan would only call for tenders for the work in sections to suit small contractors.

I am willing to pay the cost of the works, taking Government debentures in payment, bearing interest at the rate of 4 per cent. per annum, and would take the interest in water.

If Mr. Gibson's Bill goes through it might become necessary for the thing to be taken over, and this could be done at any time on payment to me of the amount expended.

It will be gathered that the Board did not see its way to recommend to the Minister the suggestion made by Mr. McCaughey, so far as payment was concerned; it proposed, instead of doing it as Mr. McCaughey suggested, that the work should be carried out in the ordinary course under the Water and Drainage Act, and that Mr. McCaughey should enter into an agreement with the Government to recoup the Government for the cost thereof.

2570. *Mr. Bruce Smith.*] The capital cost? Yes. On that I wrote this minute, which indicates how the matter now stands:—

For approval; to forward the papers to the Crown Solicitor for the preparation of the necessary agreement.

As Mr. McCaughey was in Sydney on Friday last, I took the opportunity of talking the matter over with him, and I find that he would be willing to sign an agreement embodying the proposal detailed in the Board's minute of 3rd instant, with a stipulation that the annual payment to be made in respect of the work is to be on a basis of 4 per cent. on the cost up to a sum of £12,000. This allows a margin of a £1,000 over the estimate, and it seems to me that the agreement might be safely drawn up on these lines.

In the meantime, Mr. Wade might be instructed to prepare contracts for the works, so that tenders can be invited, say, at the end of November. I think the best plan will be to let the work in a series of contracts of about £1,000 each, and that the advertisement inviting tenders should also be put in some of the Victorian papers, where a similar class of work has been carried out.

That was approved, and those papers are now with the Crown Solicitor to prepare the necessary instrument. I borrowed the papers from him this morning to put them before the Committee.

2571. *Mr. Shand.*] Would the channel which it is proposed to construct there be part of the channel which Mr. Gibson proposes? Yes.

2572. *Mr. Bruce Smith.*] Is it in the same position? I presumed that what Mr. Gibson was going to do was simply to take over the Government scheme as proposed for the Northern Murrumbidgee. That is why I gave the answer I did.

2573. *Mr. Shand.*] Is the channel which is now proposed to be cut under Mr. McCaughey's agreement part of the Government scheme? Yes, it is the Government scheme, whether it coincides with Mr. Gibson's or not. I assumed that it did.

2574. How much water is it proposed to take off by that channel? I cannot say.

2575. Do you know how much it is capable of carrying? No, but I can obtain the information for the Committee. Some limit will have to be fixed, but I cannot give the information at this moment.

2576. In your opinion would that agreement affect in any way Mr. Gibson's scheme? No, because in making the agreement provision will be made for such a contingency as Mr. Gibson's scheme being accepted.

2577. Is that the intention? Yes.

2578. So that it will not supplant Mr. Gibson's scheme in any way? No; Mr. Gibson's scheme is intended to supply the whole of the lands—that is to say, suitable lands—and so far as the water will go on the northern side of the Murrumbidgee. This channel is simply to supply North Yanco.

2579. Will it affect the quantity of water that may be delivered safely to Mr. Gibson? Not in any way whatever. Supposing Mr. Gibson's scheme was adopted, then Mr. McCaughey would be Mr. Gibson's customer instead of being, as we propose here, our customer.

2580. *Mr. Bruce Smith.*] Only if they go off the same part of the river;—I think there is a difference of 4 miles? According to the Bill it is 1 mile below Narrandera where Mr. Gibson proposes to take off from the river; our proposal is a little below Narrandera, not very far.

2581. Was not the original scheme 2 miles above Narrandera? There have been several original schemes.

2582. *Mr. Macdonald.*] I do not exactly understand the consideration of Mr. McCaughey's proposal by the Water Conservation Board and the decision arrived at;—I would like to ask if consideration has been given to this proposal of Mr. McCaughey's since the creation of the Select Committee and Mr. Gibson's scheme, and while we have been holding our sittings here? The date of the minute is 3rd September, when the recommendation was made by the Board, and the consideration was on the same date; I do not know when the matter was referred to the Committee.

2583. Is there any reason why this proposal was not put before the Committee in the first place, and why we should be allowed to go so far holding so many sittings without knowing about this proposal which, in my opinion, is a counter proposal, and decidedly affects the consideration by the Committee of Mr. Gibson's scheme? For the very good reason that one proposal in no way clashes with the other and is quite independent of it. Although physically the site of the channel is precisely the same in both cases, still the one proposal in no way militates against the other proposal, and I was not aware personally that the Committee wanted the information. If I had known that, Mr. Wade could have given it, or I could have given it when I was here before. It was not because there was any desire to keep it from the Committee; it was not regarded by me as in any way affecting the inquiry.

2584.

2584. *Mr. Byrne.*] Does it not differ from the scheme of Mr. Gibson in this respect: that Mr. Gibson's scheme provides for storage at the head, while this proposal takes the water away from the river under normal conditions? No; it is precisely on the same footing as the Yanco Creek supply—it draws off the water from the river by gravitation when the river is 2 feet above summer level. The Yanco cutting is under the same conditions, while Mr. Gibson's scheme proposes, among other things, to put a weir across the river, and divert the water even when the river is below summer level. This proposal is only to take away the surplus water.

2585. But Mr. Gibson's scheme depends on a storage system? Yes, necessarily, because the quantity to be taken off would be very much greater than in this case.

2586. *Mr. Macdonald.*] Is not what Mr. McCaughey is doing now in the way of irrigation done at his own expense? He takes the water through the Cudgel Creek into his distributing canals by gravitation when it is possible for him to do so; when it is not possible to do so he pumps the water from the river near the homestead into the canal.

2587. Does he not do that entirely himself? Yes; in this case he proposes to do the same thing. He proposes to recoup the Government for any expense they may be put to, and knowing what I do of Mr. McCaughey, of his enterprise and success in irrigation, and seeing that he is willing to bear the whole brunt of the thing himself, I think it is a proper thing for the State to facilitate the desires of a man like that.

2588. Under this proposal, do not the Government undertake the construction? He cannot do it himself if he wants to. If the Government would give him facilities to do it, I have no doubt he would do it himself, out of his own pocket; but he cannot do it. He has no statutory power to do so, and the only way in which the work can be done without special legislation, as far as I can see, is the way in which it is now being done.

2589. *Chairman.*] Do I understand that this will not affect Mr. Gibson's scheme at all? In no way whatever. Suppose Mr. Gibson were ready to start on his scheme to-morrow, or next year, or two years hence, then at that time the agreement, supposing it to have been entered into, would be null and void. Mr. McCaughey would then become Mr. Gibson's customer, and not the customer of the State. I think that from Mr. Gibson's point of view, or any point of view, it is to the advantage, not only to the State, but to Mr. Gibson and everybody else, that Mr. McCaughey should be given facilities for carrying out these irrigation operations. We all know that settlers are educated by what they see going on around them; if they want an object lesson at any time they can get it at North Yanco. Unless Mr. McCaughey is given the water, he cannot continue what he is doing.

2590. *Mr. Bruce Smith.*] Do I understand you to say that Mr. McCaughey has adopted as the site for his take-off the one marked by the Government? Yes.

2591. Not taking the full width of the canal as pegged? Yes.

2592. Do I understand you to say that if Mr. Gibson adopts the same site for his take-off he will practically take in Mr. McCaughey's channel, only widening it? Yes; the channel that is being excavated for Mr. McCaughey's purpose will form part of Mr. Gibson's if he adopts the same site.

2593. What provision have you placed in the agreement terminating the obligation to Mr. McCaughey to let him take water on his own account? The agreement is not drawn, but it is part of the instructions to keep the State safe in that respect.

2594. So that you can terminate Mr. McCaughey's agreement at any time? Yes, either on account of Mr. Gibson's Bill being passed, or a State scheme being inaugurated, or any other reason.

2595. Do you allow his £12,000 to be recouped to him by his taking £12,000 in debentures? We do not agree to that proposal.

2596. Is the Crown going to spend £12,000? The Crown, under the Water and Drainage Act, proposes to spend whatever the work costs up to £12,000 in the construction of this channel, and Mr. McCaughey will pay the statutory interest on the expenditure.

2597. What is that? Four per cent.

2598. Then the State is going to spend now a capital outlay of £12,000 on this work? Up to £12,000.

2599. How does the State propose to be recouped for the £12,000, supposing Mr. Gibson's Bill passes and his scheme is started? We would have to take care, when Mr. Gibson's Bill goes before the House, to insert a provision for taking over that portion of the canal.

2600. Do you propose that Mr. Gibson should be shouldered with this expenditure of £12,000? Yes.

2601. Then it has a very important bearing on this scheme before the Committee? It seems to me a fair charge against Mr. Gibson, because it is really in anticipation of his proposal.

2602. But it would be done upon State principles, which you know are not so cheap as private enterprise? I do not know so much about that.

2603. Is this to be done by contract? Yes.

2604. Will the whole of that expenditure be in the nature of earth work? Yes.

2605. Will there be anything in the shape of pumps, or sheds, which would not be capable of utilisation by Mr. Gibson? Nothing whatever; it is all earthwork.

2606. And will it all be in the direction which Mr. Gibson would take? Yes.

2607. Will you take care that the contract is so framed that Mr. McCaughey will not be able to say, supposing Mr. Gibson's Bill be passed, "You have now to deal with me with regard to my rights"? Yes. Perhaps I had better read again the instructions I gave to the Crown solicitor:—

That in the event of other persons requiring the water, or for other reasons—*e.g.*, the necessity for enlarging the channel to provide water for such trusts as may be proposed—the agreement can be terminated and fresh arrangements made.

2608. But these conditions would not fall in with Mr. Gibson's scheme; it would not cover the situation "in the event of other persons requiring the water";—would there not be enough with that dam to supply Mr. Gibson and Mr. McCaughey too? Yes.

2609. You could not say that the event had occurred of other people requiring the water which he was taking? Yes; but you may take it from me that full provision will be made in the agreement—and Mr. McCaughey is perfectly willing it should be—to terminate it for any reason whatever.

2610. Did you mention to Mr. McCaughey the possibility of Mr. Gibson's scheme? Mr. McCaughey is in favour of Mr. Gibson's scheme.

2611. Did you mention to him the possibility that this scheme and his might clash? It does not clash.

Witness—J. Davis, 20 Oct., 1903.

2612. Will you take care that it is sufficiently enlarged to cover the possibility of Mr. Gibson's scheme passing? Unquestionably.
2613. In your notes of the contract that has to be drawn up, have you placed any limitation upon Mr. McCaughey, and suppose Mr. Gibson's scheme never came off, has Mr. McCaughey been granted an unlimited right to draw upon the Murrumbidgee by gravitation? No; the arrangement is that the cutting shall be of certain dimensions; I will give the information later on. Seeing that the bed of the proposed channel will be 2 feet above summer level, only the water flowing down the river above that level can enter the channel.
2614. Can you give a rough idea of the quantity? No; I would rather give the exact information to the Committee.
2615. *Mr. Ferguson.*] Will you give the exact figures? Yes.
2616. *Mr. Bruce Smith.*] With regard to silting, I understand that in the Stephen's Creek reservoir 7 feet of silt has been deposited within ten years? Yes.
2617. What is the height of the dam there? Probably 40 feet.
2618. What steps have been taken to free the reservoir from silt? None whatever; there is no necessity, because the reservoir, in the first instance, was too large for the catchment, and the reservoir has therefore never been full. The water has never passed over the by-wash, so that, although 7 feet of silt is there, it does not make any difference.
2619. If the silt increases year by year, will not a time come when it will fill up to the top of the dam? Yes.
2620. Will something then have to be done? Yes.
2621. Unless something be done, do you anticipate that it will gradually become smaller and smaller as a reservoir? It will become less effective.
2622. How will you then deal with it? The water would have to be run off, and the reservoir cleaned in the ordinary way, by trucks or something similar. It would cost a very large sum of money; but we have not gone into that, because the reservoir is privately owned.
2623. Were you President of the inter-State Murray Commission? Yes.
2624. Did the Commission take a great deal of evidence and make a very exhaustive report upon the whole question of the Murray waters? Yes.
2625. What conclusion did the Commission come to as to the relative proportions of the waters of the Murray which are contributed by New South Wales, Victoria, and South Australia—that is, what is now known as the effective catchment area? The total contributing areas of the three States are as follows:—Queensland, 57,000 square miles; New South Wales, 75,000 square miles; Victoria, 15,000 square miles. In South Australia there is a non-contributing area of 24,000 square miles.
2626. So that the contributing area of New South Wales compared to Victoria is as five to one? Yes.
2627. Can you tell me from the report how much land is already under irrigation in Victoria? 276,000 acres, nominally.
2628. That is to say, provision is made for irrigating 276,000 acres? Yes.
2629. Have canals been constructed for that purpose? Yes.
2630. How much is under irrigation in New South Wales? There is very little; we did not give any area because it is so small.
2631. How much in South Australia? Renmark is their principal irrigation settlement; they have a few labour settlements along the Murray below Renmark, but they are not being worked very satisfactorily, and you cannot take them into consideration. I think there are 3,000 acres under irrigation at Renmark, at Mildura there are 9,000 acres.
2632. Although New South Wales has a contributing area five times greater than that of Victoria, she has practically no land under irrigation as against 276,000 acres in Victoria? Yes.
2633. Did the Commission arrive at some conclusions as to what would be a fair distribution of the Murray waters between the three States? Yes.
2634. How did they arrive at that fairness, seeing that South Australia has no contributing area to the Murray? We arrived at it, ignoring the legal aspect of the case, on the ground of equity.
2635. What did you consider was a fair quantity to propose that New South Wales should use? We apportioned the water, taking certain set quantities that would be required by South Australia. We decided equitably to allow those quantities to South Australia, although she contributes nothing; we decided to allow New South Wales two, Victoria one, and for South Australia it varied. It is given in Resolution 2 of the Commissioners' report.
2636. Did you not recommend this: that New South Wales should have 292,000 cubic feet per minute for seven months of the year? Yes.
2637. And that Victoria should have 146,000 cubic feet per minute for seven months in the year? Yes.
2638. Then during five months of the year New South Wales should have 240,000 cubic feet per minute and that Victoria for five months of the year should have 127,000 cubic feet per minute? Yes.
2639. Have you allowed in both these cases that Victoria should have more than half what is allowed for New South Wales? Approximately half.
2640. Although you had before you the fact that New South Wales has five times the contributing area that Victoria has? Yes.
2641. You say that you did that on the principle of equity? I do not think I said on the principle of equity; my expression related to South Australia.
2642. On what principle did you allow half to Victoria? On the principle of justice.
2643. Are not the areas as effective? No.
2644. Do you mean to say that although New South Wales has five times the contributing area of Victoria it is only twice as effective? Yes; that is the conclusion. I do not attach the same importance to a word as you do; I attach this importance to the question of equity, that South Australia for a long time enjoyed certain privileges; she has had those privileges ever since she became a Colony, although, perhaps, according to law, as we were advised, she could be deprived of those privileges, it would be scarcely equitable to do so. When you come to ask about Victoria and New South Wales, I say that as far as that is concerned we meted out the proportion in strict justice.
2645. Do you consider that five times the contributing area is equivalent to only twice the effectiveness? The gaugings, so far as they were reliable, show that that was the case.
2646. Does South Australia contribute absolutely nothing to the Murray? Yes.

2647. Will Mr. Gibson's proposal be really the first extensive irrigation scheme that we have had in this State? Yes.

2648. Is there any immediate prospect of the Government embarking on any extensive scheme of irrigation at the present time? So far as Barren Jack is concerned, I presume that some definite steps will be taken with the view of comprehensive irrigation schemes being carried out on the Lower Murrumbidgee.

2649. Were any very decisive steps taken until Mr. Gibson came on the scene with his proposal? There was nothing very definite.

2650. Has that drawn attention to the importance of taking hold of that as one of the best reservoirs in the country? I do not think so. We were seized of all the facts for years and years; it is a question of policy by the Government.

2651. Did this proposal emphasise the thing, and hurry on action by the Government? I do not think so.

2652. Do you mean to say that if Mr. Gibson had not come forward and made this proposal the Government would have undertaken the work at Barren Jack immediately? Before I heard of Mr. Gibson's scheme, when Mr. McKinney told me in a dreamy sort of way that he had something very nice up his sleeve, we contemplated, I can say definitely, getting the opinion of the Public Works Committee as to Barren Jack. We knew that that was the key to the situation, and the Minister was going to take the action before the session closed that he is proposing now.

2653. The thing has been taken in hand seriously now? It was before.

2654. Is it going before the Public Works Committee almost immediately? Yes.

2655. And Mr. Wade has lately been sent to America with the view of getting information to put before the Public Works Committee? Yes.

2656. Is it not a fact that two-sevenths of the waste flow of the Murrumbidgee would irrigate 2,203,856 acres of wheat, oats, or barley to a depth of  $4\frac{1}{2}$  inches per annum? That may be anticipated. That is the calculation which Mr. McCaughey made and put into evidence.

2657. Did you adopt that? Yes.

2658. In your report, did you say this with regard to the trusts:—

The financial operations of the irrigation trusts have not so far been attended by a very high degree of success. In no case have they fully met their engagements to the Government, so that in 1899 an Act was passed under which large sums of principal and interest were written off. Out of a total indebtedness of about £1,300,000, about £1,000,000 was cancelled. The sums charged against the trust did not include the cost of the Goulburn and Laanecoorie weirs and Kow Swamp works, and it is the opinion of some experienced officials that it is not at all likely that trusts can ever carry more than the cost of the distributing channels, and that, if they pay interest and sinking fund upon these, no more can reasonably be expected of them.

—? That is so; that is the conclusion we came to.

2659. Is not that the conclusion of yourself and your co-Commissioners: that if they pay interest and sinking fund upon the distributing channels, no more can reasonably be expected of them? I would not like to adopt that *in toto*, but that was the opinion of some experienced officials there. It is questionable as to where the line should be drawn as to what may be regarded as national works and what may be regarded as trust works.

2660. Have you not, in another part of the report, expressed an opinion very like that when you use these words in the body of the report:—

In Victoria the policy of the earlier legislation was to charge trusts, not only the cost of the distributaries but also of the diversion and head works; but if the experience of that State during the last ten years can be accepted as a guide, it would seem that in general such bodies are not likely, except under compulsion, to defray the maintenance and interest of the whole cost. The utmost that can be expected from their voluntary efforts is payment of interest and sinking fund on the cost of distributing channels and minor works.

Is not that really the conclusion of the Commission? Yes; but the word "voluntary" must be taken to rule the paragraph to a very great extent.

2661. Is that private enterprise, apart from Government work? Not exactly. The arrangement they have in Victoria is this: they pay a rate in most of the trusts, and then they pay for the water they use. A great many of the farmers wait until the very last moment before they will take the water; in many cases they never take the water. The result is, that all they pay is the rate chargeable on their land, according to the ratable value of it. The result has been, as far as their experience goes, that in a very dry season the farmers want more water than can be given to them; in a very wet season, or a normal season, they want very little water. The result is, that all the capital expended on their behalf is lying idle. That is the meaning of that paragraph. Under the Water and Drainage Act passed by New South Wales, power is taken from the trusts to charge for the water whether it is used or not, so that the conditions of the trusts here will be somewhat different from what they are in Victoria.

2662. But the conclusion at which the Commission arrived, in the light of Victorian experience, was that all that they could be expected to do by voluntary effort was to pay interest and a sinking fund on the cost of distributing channels and minor works? That is so, as far as Victoria is concerned, and under the conditions prevailing there.

2663. That is, so far as Victorian experience is concerned, all that could be expected was that the people should pay interest and a sinking fund on the distributing channels and minor works, leaving the head works to be carried out by the Government? The action of the Government has practically resolved itself into that condition of things.

2664. But you say that that is all that could be expected? I say voluntarily. The whole paragraph turns on that.

2665. You will admit that if Mr. Gibson were to take the whole cost of the distributing channels upon his hands, and pay absolutely nothing towards the head works, he would be doing as much as the people are doing in Victoria? Yes.

2666. Personally, you are not satisfied that he should do that, and you advocate that he should be asked to do more? Personally I am perfectly satisfied with what Mr. Gibson has proposed—that he should pay one-third of the cost of the dam.

2667. Do you think that that is a fair thing? I do.

2668. Another general question I wish to ask you is on the subject of navigation: when Mr. Wade was asked whether this scheme was likely to involve any State rights he spoke with bated breath of the possibility of its causing inter-State troubles; did you not come to this conclusion in your report: "The establishment of federation does not affect the constitutionality of any State bringing about a diminution

Witness—J. Davis, 20 Oct., 1903.

- diminution of the navigability of the Murray, save to the extent to which such enactment conflicts with some enactment of the Federal Legislature on the subject of navigation"? Yes.
2669. So far, the Federal Parliament has not enacted any laws touching the subject of navigation? Yes; therefore the question of navigation remains as it was before federation, so far as we are able to judge.
2670. Did you not express this opinion as the result of the large amount of evidence before you, and the consideration that you devoted to it, that the use of water for navigation must be subservient to irrigation, and that if the English Common Law were admitted here without modification, five-sixths of the Australian continent would remain uninhabitable for all time? Yes.
2671. Do you not also use these words: "It seems unlikely that the navigability of the river has been appreciably affected by anything done in the way of irrigation, either in New South Wales or in Victoria"? Yes.
2672. Do you anticipate that if this scheme were carried out it would appreciably affect the navigation of the river? No.
2673. Is it not a fact that the amount of navigation conducted on these rivers has enormously decreased of late years? Yes.
2674. Do you attribute that to a preference for the regular traffic afforded by the railways? Principally to the railways.
2675. Did you visit the Hay district during the recent drought? Yes.
2676. Had you an opportunity of seeing for yourself what the condition of the country was, and how imperative something in the nature of irrigation has become for the country? Yes.
2677. How would you describe the condition of the country at that time? Below Hay it was destitute of vegetable life, except for a few shrubs.
2678. In what condition was that part of the country which it is proposed to deal with by this scheme? It was not so bad as the portion below Hay, but it was just about as bad as it could be without having to be abandoned.
2679. Did you arrive at any definite conclusion as to the imperative demand that some steps should be taken with regard to irrigation? Yes. I had always been impressed with the necessity, but that accentuated what was in my mind—that was, that the only way to save that portion of the country was to irrigate it; but I was seized of this also, that to put water on the land was only one thing; what was wanted was experience, and great experience, in the use of it. Furthermore, that to put water on any land would be a very great mistake.
2680. That is, indiscriminately? Yes. So that it resolved itself into this in my mind: that the land should be irrigated where it is suitable and where it could be done to advantage.
2681. Had you any doubt as to the suitability of the land through which this northern canal scheme to be run? I cannot speak of it in detail, because I have never been over the land there.
2682. But I take it that before the Department formulated this scheme, and surveyed the sites of the different channels throughout that part of the country, due care was taken to ascertain that the land was suitable? The channel was located years ago, and Mr. McKinney should know more about it than I do. No classification of the country was made, and it is not made now. Before the channels are located it is necessary that the land should be classified, so that the most suitable country will be irrigated. The land suitable for irrigation on the north and south is limited.
2683. Do you not think that Mr. Gibson, who has lived for thirty years in the district, and who has been a land and stock agent for eighteen years, who has had experience on the Hay irrigation scheme in which he has taken part, would be able to judge as well as most people as to the suitability of the land? I should say that he would be able to give a very good idea.
2684. In the course of your work on this Commission, did you visit Victoria? Yes.
2685. Did you see most of the irrigation experiments which have been attempted there? Yes; pretty well all of them.
2686. How were you impressed by them? I regard what has been done in Victoria as simply a beginning. The people in some parts were not equal to irrigation for want of experience, and the consequence was that in many cases the water was grossly wasted; in other cases, improper land was at first used, and it had to be abandoned, so that altogether they were just learning how to do it there.
2687. Did you see the work that was being done in the neighbourhood of the Goulburn River? Yes.
2688. Can you tell me, even roughly, how the water supply of the Goulburn River compares with that of the Murrumbidgee? It is approximately the same; I speak from memory. The Goulburn is a little less, if anything, than the Murrumbidgee.
2689. Is it not a fact that already channels or canals have been constructed in connection with the Goulburn which are capable of carrying 1,717 cubic feet per second? No.
2690. How much are the first set of canals calculated to carry? 24,000 cubic feet per minute; that is about one-fourth of what you give.
2691. Is Mr. Stuart Murray an authority as to the canals constructed for conveying water from the Goulburn River? Yes; he was one of my colleagues.
2692. Did he not say that the capacity of those canals was 103,000 cubic feet per minute? Yes.
2693. Have you taken that as a basis? Yes.
2694. What is the capacity of the canals drawing water from the Goulburn? At present the capacity is about 23,000 cubic feet per minute—that is, about 400 cubic feet per second. I will tell you how Mr. McKinney and I disagree. Mr. McKinney has given the capacity of the channel as it leaves the head works of the Goulburn. It is a very large channel, capable of discharging the quantity that Mr. McKinney gives, but the smaller canals, which are drawing from this large canal, are only capable of discharging a maximum flow of 24,000 cubic feet per minute—that is, 400 cubic feet per second.
2695. Why is the canal so large at the take-off, and yet the capacity of the smaller canals so much less? Because it is intended to extend the larger canal to supply other trusts.
2696. Has it been calculated that the Goulburn is capable of supplying 1,717 cubic feet per second so soon as the land is ready to take it? Yes.
2697. Mr. McKinney never contended that they were taking it now, but that a canal is constructed of the capacity which I have named, and that that wide part of the canal on that basis has been constructed in anticipation of the canals being so increased as to allow that quantity to come from the Goulburn River? Yes.
2698. Is it not a fact that further canals are in course of construction, with an additional capacity of 400 cubic feet per second? No; I know they are extending the canal, which has a capacity of 103,000 cubic feet per minute.



2699. Is that the same canal? Yes. There is a proposal to take water from the Goulburn on the other side of the weir.
2700. What is the capacity of that? I believe it is 20,000 cubic feet per minute—that is, 333 cubic feet per second.
2701. That would give a total, supposing the canals were not constructed beyond the capacity of the river, of 2,000 cubic feet per second? About that.
2702. Do you say that the Goulburn is, if anything, a smaller river than the Murrumbidgee? Yes.
2703. So that the 750 cubic feet per second that Mr. Gibson is asking for is about one-third of what they are already preparing to take from the Goulburn? Yes.
2704. Did you discover any great anxiety on the part of the Victorian people lest they should be taking more than their share of the Murray waters? They rather prided themselves on the fact that they were two or three rungs higher up the ladder than New South Wales.
2705. They had not stopped to consider whether they were taking more than their share? I do not think they entered into that calculation; it was simply a question of taking what they wanted.
2706. Are they not at present using the whole of their tributaries to the Murray? No.
2707. Is it not very nearly that? No; they are not using any very large quantity, comparatively.
2708. Did you go into the question of the flooding certain areas on the banks of the Murrumbidgee? Yes.
2709. Had you a rather formidable request from that district that the Government should take the matter in hand and devise some means of either increasing or preventing the diminution of the flooding of the banks when you visited the place? Yes.
2710. Was that during the inquiry by the Commission? I visited it before, and I visited it again.
2711. Did the owners of land on the banks of the Murrumbidgee complain? They alleged that damage was done to them owing to the diversion which took place at the Yanco cutting.
2712. Was that Mr. McCaughey's first scheme? No; he was concerned in it, but the whole of the landowners on the Yanco, Colombo, and Billabong Creeks were concerned in the cutting of that channel. All the large squatters and settlers were concerned in it.
2713. What quantity were they taking off? It varies very much, because they could not take anything off after the river went below 2 feet below summer level, and it would increase in quantity as the river rose. I can give the quantities which were drawn off.
2714. In consequence of that Yanco Creek diversion, did the people down the river complain to the Government that they were getting less advantage from flooding than they got previously? Yes.
2715. Did you visit the district and ascertain whether that was a fact? Yes.
2716. What conclusion did you come to in respect of the diversion? The effect was small, but there is no doubt that it had a small effect.
2717. What did you recommend in order to prevent any injury to them from this diversion? We proposed to put in a weir.
2718. Where was it to be put? On Gum Creek.
2719. Would that have the effect desired? It would not have the same effect as a flood, but it would have the effect of distributing the water below the level of Gum Creek through the natural channels of the country, and therefore it would be beneficial.
2720. Was that actually designed by the Department and promised by the Minister at a cost of about £17,000? Yes.
2721. Is that all ready to be carried out as soon as there are funds for the purpose? Yes.
2722. Did you form some opinion as to the beneficial or injurious effect of that flooding of the land? There is no question about the benefit—it was very marked; but it was at the expense of a very large quantity of water which must go down to the sea, and therefore in my opinion it is not justifiable.
2723. Do you mean that the good done was hardly commensurate with the enormous quantity of water that was expended? Yes; looked at from the point of view of the interests of the State.
2724. In what way is the water wasted? The water has to rise to flood level before it gets on to the land. Portion of the land on the Murrumbidgee gets flooded with a moderate flood; another middle zone gets flooded with an ordinary high flood; another portion only gets flooded once in about seven years, when there is a very high flood. To flood any of the land, low or high, means that a very large body of water must be passing down the river, and that must all go to the sea. It means that the very best flood which should be conserved for irrigating land on scientific lines is simply drawn over the land and then goes out to sea when it has saturated the land.
2725. Do you think that the good done is commensurate with the water used? No.
2726. What do you mean when you say that it goes to sea? It flows into the Murray.
2727. How is it wasted? It is not used.
2728. Do not very large areas become evaporating pans? Yes; the depressions get filled with water.
2729. The water is distributed over enormous areas; there is a maximum of evaporation, and a very large quantity of water is actually wasted over and above what would do the land good if distributed properly? Yes; but the point I make is this: that the quantity of water necessary to raise the level of the river sufficiently high to get on this land is so enormous that the proportion of the water which is used for irrigating the low-lying land is very small compared with the quantity that has to go to sea.
2730. How would you propose to stop it from going to sea? By conservation.
2731. *Mr. Ferguson.*] When those high floods occur, there is rain, and the land there does not want irrigation so much? Yes.
2732. *Mr. Bruce Smith.*] If this diversion took place as suggested under this scheme; it might deprive some of this land on the banks of the advantages of flooding, but at the same time it is better that they should have a smaller supply than that this diversion should be prevented? Yes.
2733. To some extent, do you anticipate that the supply would be a more regular one if this weir were constructed, even though this diversion should take place? Yes.
2734. What would be the effect of that weir on the people down the Murrumbidgee? We might give them water every year, whereas now they only get water once in seven years.
2735. Would it be a positive advantage to the people down the river to have the flooding done in that regular way by this weir, rather than in an intermittent manner as at present? Yes.
2736. Do you regard the Barren Jack dam as the best of the three schemes proposed from time to time to conserve the waters of the Murrumbidgee? I have not examined the other schemes in detail; I have seen

Witness—J. Davis, 20 Oct., 1903.

seen Barren Jack, and it is generally accepted that it is the best. As far as the surveys go, they confirm that opinion.

2737. Are the other two practicable schemes, but they are not so good? Yes.

2738. Do I understand you to say that you consider it would not be necessary to make this dam 200 feet high, unless we had a repetition of such years as 1902-3? Yes.

2739. Do you recognise that those years are absolutely without precedent within the memory of man? There are no records of anything like it.

2740. Would you think it necessary to assume that we are going to have a repetition of those years, and that we should lay out hundreds of thousands of pounds until the necessity for it has been demonstrated? No; but there is this view of the case: the larger the dam that is put there the more water can be conserved, and therefore more will be available. I was answering your question more with regard to a supply of 1,200 cubic feet per second.

2741. Until some steps are taken to establish a system of irrigation on the south side, you do not see any present necessity to go beyond 130 feet with the dam? I have some hesitancy in committing myself to any opinion; I have very little confidence in the gaugings that have been made.

2742. So far as they go, and so far as you can make deductions from them, until the south side is actually taken in hand, do you not think that 130 feet is sufficient to build from the north side? Yes.

2743. You would expect it to be built on the larger scale? Whatever is done to Barren Jack should be done, not only to supply the northern side, but also the southern side, and also any rights which may exist on the river frontages.

2744. Do you approve of the proposal to construct this dam on the broader scale up to 130 feet, instead of constructing it on the smaller scale sufficient for 130 feet? Yes; it is a question whether it should go to 180 feet or 200 feet ultimately; that would have to be decided before the lower portion of the dam was put in.

2745. *Mr. Ferguson.*] The base would have to be built so as to carry the height required ultimately? Yes.

2746. *Mr. Bruce Smith.*] You know the Bill proposes that the 130-foot dam should be built on a base sufficient to carry a dam 200 feet high when required, and that you approve of? Yes; it is only a question whether it should be 180 feet or 200 feet.

2747. I understand you to agree with Mr. Wade and with Mr. McKinney, that you could not build a 130-foot dam upon a scale sufficient only for that height, and then afterwards put on an extra thickness in the event of wanting to go to 200 feet? That would not be safe.

2748. It must be built up to 130 feet, so that it may ultimately be carried to the additional height? Yes; but there is one difficulty: in the larger dam, and I suppose in the smaller dam, a by-wash is proposed. That presents a very serious difficulty. If you build a dam 130 feet above the bed of the stream, you would have to provide a by-wash; then, when you want to put on another 70 feet, it would practically mean that you would have to build the dam across the first by-wash and make a second by-wash. It could be done, but it would make it very expensive.

2749. Would it not be simply built up like the rest of the dam? But the by-wash would be independent of the dam.

2750. Is not that capable of alteration? Yes; but it will cost a great deal of money.

2751. At all events, we are agreed that it ought to be built up to 130 feet on the same scale as if it were going up to 180 or 200 feet? Yes; but I do not think it is advisable, because it would cost very much more to do that than to build it to the proper height at once, whatever it may be.

2752. But suppose that the south were not negotiated for the next twenty years, would you not have all your money in the top part lying idle? It may be, but it would be better and cheaper, because, after all, all these reservoirs are constructed at per million gallons of their holding, whatever that may be. It would be better to finish the Barren Jack dam to whatever level is decided upon, and, supposing that a supplementary reservoir were required, to take another site. The difficulty I have in my mind is this: supposing you build a dam 130 feet high, and go to the expense of a large base to raise it to 200 feet eventually, at 130 feet you would have to build a by-wash at the side of the dam. That means excavating a very large hole; I have seen the place. Afterwards, when you came to raise the dam, you would have to extend the dam across the by-wash, which you made in the first instance, and then you would have to make another by-wash.

2753. *Mr. Ferguson.*] If the by-wash is on the side of the dam? Yes.

2754. *Mr. Bruce Smith.*] Are you not expressing that opinion on the assumption that the Government are going to carry this out? I am expressing the opinion without regard to who carries it out.

2755. I will ask you a commercial question with regard to it: you know that Mr. Wade estimates that a dam 130 feet high will cost £450,000—that is with a wide base; you know that he estimates the cost of a 200-foot dam at something like £700,000—that means a difference of £250,000; assuming that the south side is not dealt with for twenty years, you will see at once that it will become a very great factor in private enterprise that that sum of £250,000 should not be lying idle for twenty years? I agree with that. I am looking at it from that point of view. The question in my mind is this, whether the level of the Barren Jack reservoir, whatever it might be, should not be fixed at the most economical level; whether it would not be better to build the Barren Jack reservoir to that level, and that level only, and let it remain there, and go to another site for a supplementary supply.

2756. Have you not admitted that if the south is never dealt with a dam 130 feet high is sufficient for all time for the northern supply? Yes.

2757. Then it is a very serious thing, if this is going to be done by private enterprise, that £250,000 should not be sunk until there is some fair prospect of the south scheme being carried out? I do not say there should be more expense there than is justifiable; I am only pointing out now what must be apparent to any engineer.

2758. Do you not know that a difference in the expenditure of £250,000 might prevent the thing from being done at all? I am not advocating that you should go to the large expense, but I do say this: that, having regard to the immediate future, the best possible use should be made of Barren Jack, and it should be finished.

2759. Do you mean that provision should be made for irrigating the south side? I think, with regard to Barren Jack, that we must provide for the south and also for the river.

2760. If a 200-foot dam is only needed for the south, is it not sufficient in the meantime that those who are providing for the north should build the dam up to 130 feet until the work on the south is contemplated?

contemplated? I think that all you can expect the promoter to pay is one-third of the cost, which I understand is what he proposes.

2761. Up to 130 feet? I do not think so.

2762. You think up to the maximum height? Yes; it is required, in order to supply all the interests concerned, to be that height or thereabouts. Seeing that the promoter wants one-third of the supply available, it is fair that he should pay one-third of the cost.

2763. One-third of £450,000 is £150,000; but if you build it up to 200 feet at a cost of £700,000 you call upon the promoter to pay one-third of that; who is going to pay the other two-thirds—will the Government pay it? I think it is a question that has not been considered.

2764. Do you now unconditionally say that the promoter of this northern supply should build this dam up to 200 feet? I do not think it would be reasonable to expect him to do it.

2765. What would you suggest he should do, and to what height should he build it? It would be reasonable to expect him to bear such cost as related to the supply of the northern side and nothing more.

2766. What would that be? That would depend on whether the Barron Jack site is to be taken for the whole supply, or whether other sites are to be taken in conjunction with it.

2767. Suppose the promoter proposes now to build this dam up to 130 feet, and to pay one-third of the cost, is that in your opinion sufficient in the meantime? No.

2768. What height do you say? That would not give the supply necessary for the northern side; the questions you have asked me, and which I have answered, have been to the effect that supposing the dam were constructed to, say, 130 feet high, would it supply the northern side of the Murrumbidgee, and I say yes; now you say that the northern side would only contribute one-third of that.

2769. What do you say the promoter should contribute? I say he should contribute on the basis of the quantity of water he uses.

2770. *Mr. Ferguson.*] If it will only supply them, they should contribute the whole? Yes.

2771. *Mr. Bruce Smith.*] Why should the dam be built to the full height until the supply is wanted on the south side; why should the extra 70 feet be built until it is required by somebody like Mr. Gibson, who comes forward and says, "I will pay in order to get the water"? I think it is desirable that the dam should be built once and for all, from an engineering point of view.

2772. But this is a commercial point of view. Suppose a man says, "I will build a dam a certain height to get sufficient water, and I will pay a proportion of the cost," but you say, "No, build it 70 feet higher than you want it, because some day someone may come from the south side;"—do you call that a commercial proposal? I do not know that the Department propose that.

2773. Will you tell the Committee whether they could recommend the Bill to be passed upon the terms that the dam should be built up to 130 feet by the promoter? I say that the difficulty that stares one in the face at every turn is to allow Mr. Gibson to have anything to say in the construction of the Barren Jack reservoir.

2774. He has not proposed that? I understand he does.

2775. Has he not proposed that the whole of the dam should be constructed under the supervision of the Public Works Department? I know this: he gives us the option of constructing the dam. I think that is the proper course.

2776. So far, you approve of it;—you know that he proposes to construct it up to 130 feet? Yes.

2777. You admit that until the south side is taken in hand that is sufficient for the purpose? Yes.

2778. Except 1902-3, and even then, I understand you to say it will conserve sufficient to give a continuous supply of 1,200 cubic feet per second? With a total height of 200 feet.

2779. What continuous supply will it give up to 130 feet, apart from 1902-3? I cannot say exactly; I do not remember.

2780. What Mr. Wade said was this, and I want to know if you approve of it, that, with the exception of 1902-3, a dam 130 feet high would guarantee a continuous supply of 1,200 cubic feet per second? I did not understand that.

2781. With the exception of 1902-3, that it would give a continuous supply with a dam 130 feet high of 1,200 cubic feet per second? Yes.

2782. Until the south is entered upon, there would be no objection to the promoter having a portion of the one-third which would go to the south? No; so long as it was under proper restriction.

2783. Apart from the experience of 1902-3, did not Mr. Wade express the opinion that the river would give a supply of 1,500 cubic feet per second, 1,000 feet of which would go to the south, and 500 to the north? Yes; he said something of that kind. I agree with that.

2784. The difficulty is with regard to the year 1902-3? I do not think, with regard to 1902-3, that we should pay too much attention to it.

2785. You think it always ought to be kept in mind? Yes.

2786. But you would not put a fixed limitation on the assumption that it is going to be repeated? I would make provision in any agreement or arrangement for such an event.

2787. That in the event of a recurrence there should be a limited supply? Yes; but it would not do to base the calculation upon such a contingency.

WEDNESDAY, 21 OCTOBER, 1903.

Present:—

MR. BYRNE,  
MR. D. R. HALL,

MR. FERGUSON,  
MR. MACDONALD.

W. AFFLECK, ESQ., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Joseph Davis, Under Secretary for Public Works, recalled, and further examined:—

2788. *Mr. Bruce Smith.*] Yesterday, in the course of your answers to my questions with regard to the dam, you said something about carrying it to 180 feet;—in your opinion, would anyone be able to say yet

Witness—J. Davis, 21 Oct., 1903.

that it would be necessary to carry the dam to a height of 200 feet in order to supply the water required for the two sides of the river? I do not think so.

2789. What height do you think it would be a fair thing to estimate? I think the best way to look at it would be: Which would be the most economical height to build the dam and make full use of the physical conditions? I have come to the conclusion that 180 feet is the maximum height.

2790. Did I understand you rightly to say that, until the south side requires water, a dam 130 feet high would probably give all that is necessary for the north side? Yes.

2791. So that it will be time enough to build up the balance of the dam from 130 feet to 180 feet as soon as the idea of irrigating the south side takes a practical form? Yes, in the abstract; but I question whether it will be economical to do that, in view of the extra expense that would have to be incurred at Barren Jack.

2792. Do you mean in putting on the extra 50 feet? Yes.

2793. Do you apprehend that it would cause any material increase of expense to put it on afterwards as a separate work, rather than to put it on as a continuation of the 130 feet? Yes. I pointed out yesterday that, supposing the dam were finished to 130 feet, a by-wash would have to be provided at that level, and that when the dam, in the course of time, was raised to 180 or 200 feet, the by-wash that had been serving in the meantime would have to form part of the dam, and a new by-wash would have to be constructed.

2794. What do you estimate would be the cost of a by-wash if the dam were only constructed up to 130 feet? That has been given.

2795. I may take it that the cost of a by-wash is included in Mr. Wade's estimate for a dam 130 feet high? Yes.

2796. May I take it that he has included the cost of a by-wash in his estimate of £700,000 for a dam 200 feet high? No; he has assumed in that estimate that the work would be carried out as a whole, and the question now is, supposing it is carried out in two parts, what would be the effect on the estimate?

2797. That is, what would be the increase over and above that which would result if it were done in one job? Yes. I now produce to the Committee a sketch showing the additional work that would be required both with regard to a 130-foot dam and a 200-foot dam, the first portion of which would be constructed to a height, in both cases, of 130 feet. The additional cost which would be incurred in the case of a dam 180 feet high would be £65,472; in the case of a dam 200 feet high it would be £76,912. That is what I called attention to yesterday as being of importance.

2798. In your opinion, either of these sums, according to the height, would be saved by carrying the work up to its maximum in one job? Yes.

2799. Have you an estimate of the cost of a dam 180 feet high? Yes.

2800. Can you state what that would be? £438,000—that is, assuming that it is constructed in the ordinary way with concrete; but if it is constructed according to the American method—that is, rock-filled,—that would be materially reduced, probably by £200,000.

2801. You suggested that the cost of constructing this dam should be divided into three parts—one-third falling upon the south side interest, one-third upon the north side interest, and one-third upon the down river interest; if the Government carry out this work, I think you approve of the suggestion that the promoter should pay interest upon one-third of the total cost, quite irrespective of silting;—now, I put this to you: suppose the Government do not carry it out, but leave it entirely to be done by the promoter under the Bill, would it not be correspondingly fair that, assuming it to be carried out to the satisfaction of the Government, and according to their plans, the Government should then be indebted to the promoter to the amount of two-thirds of the total expenditure? Yes.

2802. If the Government do the work, they take the whole expenditure on themselves, minus one-third; if the promoter takes it in hand they spend nothing; the promoter pays one-third, and the other two-thirds should fall on the Government, and I suppose they would shoulder half of that on to the south side? That is a fair position; but I observe from the Bill that the promoter proposes to bear the whole cost.

2803. But then he proposes to take complete control; now the Government are proposing that he should not have the control? I do not see how the Government could agree to let any private individual have the control.

2804. If the promoter got the complete control of this dam, would he not be in the position of a monopolist with regard to the south side? Yes.

2805. Do you think that that would be desirable? No.

2806. Would you consent, on behalf of the Government, that he should have the control? No.

2807. And the position you put with regard to the expenditure you consider is a fair and reasonable one? Yes.

2808. If the Government expend the money the promoter should pay interest on one-third of the cost; but if he expends the money he should still pay interest on one-third of the cost, the Government taking the other two-thirds? Yes.

2809. Do you agree with Mr. Wade as to the estimate of cost for a dam 130 feet high? Yes.

2810. If Mr. Wade's investigation in San Francisco be successful, I suppose the result will be open to the promoter, so that he may avail himself of the improved method of construction? I have no doubt that Mr. Darley's and Mr. Wade's report will be published.

2811. With regard to the silting, do you agree with Mr. Wade that you may assume that this dam will be filled up in fifty years? No; I do not think he said that.

2812. What is your solution of this silting question? I have no solution whatever, except that I recognise the fact of the silting.

2813. And it ought to be paid for in the proportion of the cost by those different interests? I believe the dam should be paid for in the first instance in that ratio.

2814. Is it your contention that the maintenance of the dam should be paid for in the same way? Yes.

2815. What do you think it would cost, either to keep the dam clear or to cure it of the accumulation periodically? I do not think there is any cure. I think we will have to take the effects as they are discovered, and take the consequences with them.

2816. Do you mean to say the silt cannot be removed? I do not see how you can do so. You may have an opportunity, supposing you are able to scour the bed of the reservoir, but otherwise it would be a very difficult

difficult thing to remove silt in such very large quantities as will no doubt come down in the Murrumbidgee waters. I have looked at the matter very carefully, and I have come to the conclusion that it would be most difficult—almost an impossibility—to give an opinion as to what would be the effect of silting in the reservoir. You can take different cases, and a number have been given during the course of this inquiry, but they do not help you very much except in a general way. The physical conditions of the catchment of the Murrumbidgee may not correspond—in fact, we know in every respect they do not correspond—with, perhaps, any other catchment. It is very problematical what silt will come down, but silting will take place. I do not think that it would be exactly sound to assume that that reservoir would be filled in sixty years. We have adopted a system with regard to country towns' water supply where there are a number of dams situated perhaps not quite in the same position as this dam will be. Still, for all practical purposes, we may look upon them as parallel for the moment, and we have assumed that the cost of permanent works of that description should be repaid in 100 years. I believe that is a fair assumption to go upon, and a sound one. That being so, it would be necessary, if this dam is to be paid for in 100 years, that the rate of interest should be increased from 4 per cent.—that being the statutory rate—to 4·0808. What we charge in the country towns' water supply and sewerage is 3½ per cent., not 4 per cent., and we add to that the interest necessary to reduce the debt to nil in 100 years. That brings it up to 3·616 per cent.

2817. Was not that on the basis of sixty years? No, 100 years.

2818. Was not the Bill originally framed on the assumption that sixty years would be the period? The Minister has power under the Bill to spread the payments over 100 years.

2819. You say that you fixed the interest at 3½ per cent., with the addition of a percentage for a sinking fund? That is in respect to country towns.

2820. Do you see any reason why, in connection with an enterprise on a larger scale, the promoter should be charged a higher rate? Yes, the conditions have changed.

2821. Do you mean in relation to the borrowing of money? Yes.

2822. May they not change again? They may; we hope they will.

2823. At all events, whatever rate is charged, I suppose you will admit it is equitable that if it is carried out by the promoter he should be paid the same rate as he has to pay to the Government? Yes.

2824. Because you recognise that private individuals cannot borrow as cheaply as the State; therefore, if he carried out the work he would be at a larger annual debit for interest on the total outlay than the State would be? Presumably that would be so.

2825. Do you think it would be fair that whatever cuts one way should cut the other way in arranging the rates? Yes.

2826. Have you heard of a meeting which took place at Oxley, at which some opposition was offered to this Bill? I may have seen it in the newspapers; that is all.

2827. Is not Oxley really on the Lachlan River? Yes.

2828. Would this scheme in any way affect the levels of the Lachlan? No.

2829. Do you know Mr. Ronald, who moved the principal resolution at that meeting? Yes; I know some of the brothers.

2830. Do you know their property, called Nap Nap? Yes.

2831. Would it be prejudicially affected by the construction of this dam? Only to the extent of the flooding which was referred to yesterday. They have a large area which is subject to flooding.

2832. If the Maude weir were built in the place suggested, how would his last condition compare with his present one? I think it would be more favourable.

2833. In the course of his opposition to this Bill, he said that practically every drop of water taken out of the river above meant that so much less country on the lower river would be inundated;—would that be true if the proposed weir were constructed? No.

2834. He said that although the promoter claimed that this scheme would give a good supply of water for stock and domestic purposes, he thought it was necessary to point out that there had always been a sufficient supply for that purpose in the past;—is that true? Only by pumping from the river.

2835. He said that Mr. Gibson's Bill provided for the irrigation of 500,000 acres, the water for which would be taken from the settlers on the lower river;—is that a correct statement? No; but even supposing the settlers on the lower portion of the river did suffer to some extent, I take it we must look at this from a national point of view, and not merely as it affects one particular settler or a dozen particular settlers. We must look at how it is going to affect the State. If we are to make a start in water conservation work it must be dealt with in a comprehensive way.

2836. If the south side of the river were not touched for many years to come—that is, apart from the question of a by-wash—would there be any reason for building it higher than 130 feet? No; so far as conserving the water is concerned.

THURSDAY, 29 OCTOBER, 1903.

Present:—

MR. BYRNE,

MR. FERGUSON,

MR. D. R. HALL.

G. S. BRINER, ESQ., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared for the Public Works Department.

Joseph Davis, Under Secretary for Public Works, recalled, and further examined:—

2837. *Mr. Shand.*] Have you given as your estimate of the cost of a dam 180 feet high, £438,000? Yes.

2838. What would be the difference in the contents of a dam 180 feet high, and a dam 200 feet high? A dam 180 feet high would hold approximately 21,000 million cubic feet.

2839. Would a dam 200 feet high hold about 28,000 million cubic feet? Yes, thereabouts.

2840.

Witness—J. Davis, 29 Oct., 1903.

2840. So that you would get an additional 7,000 million cubic feet for the difference in cost between £438,000 and £730,000? Yes.

2841. Have you prepared diagrams showing the behaviour of a reservoir with a dam 180 feet high during the year 1902? Yes.

2842. Will you describe that diagram? The reservoir would have been full in January, 1902, and would have supplied 1,070 cubic feet per second at Narrandera. It would have gradually reduced in level until the month of June, when it would have risen a little; then it would have declined again until March, 1903.

2843. Would it have been empty then? Yes, virtually.

2844. When would it have filled after that? It would have filled after that pretty rapidly. We have not the gaugings, but it would have filled fairly rapidly after that date. A dam 180 feet high, supplying 1,070 cubic feet per second at Narrandera, would have fulfilled the requirements of the year, except in March. It would have fulfilled all the requirements from January, 1902, until February, 1903, and in March it would have run out. I would like to add that, as is well known, the years 1902-3 were abnormal to a degree. Seeing that we have no records of such years, and that therefore it is improbable that they will recur except at very long periods, it would be scarcely correct to base anything upon them, except that they should be borne in mind. When the inter-State Commission took into consideration the apportionment of the waters between the States, they had the benefit of all the records that have been kept in New South Wales, Victoria, and South Australia, so far as the river gaugings are concerned, and they adopted the year 1896 as the basis on which to make the apportionment. That was regarded as a minimum year. There are three sets of gaugings, which may be divided into minimum, mean, and maximum, the maximum being exceptionally high. The year 1896 was taken as a minimum year. Assuming for a moment that you take 1896, and that a dam at Barren Jack, 180 feet high, had been in existence during that year, the quantity of water conserved, taking into consideration what was available as the result of the rainfall during that year, would have enabled 2,640 cubic feet per second to be supplied at Narrandera throughout the whole year.

2845. *Mr. Bruce Smith.*] Is that the total for the three interests? Yes.

2846. *Mr. Shand.*] Have you had a diagram prepared showing the behaviour of the reservoir during 1896 and during 1902 and part of 1903? Yes.

2847. *Chairman.*] Taking the general conditions of the scheme submitted to us, would the effect on land or property held by people there be the same as if the scheme were carried out by the Department? I do not see that there would be any difference so far as the channels are concerned.

2848. If you were asked as a public officer and the head of the Public Works Department whether you would recommend this scheme to Parliament as it stands, would you say that you could recommend it? No.

2849. Is your objection based upon the fact that the control of the reservoir should be in the hands of the Department? Yes; in the hands of the Government.

2850. With a clause providing for the resumption of the storage reservoir at Barren Jack, would not that be a sufficient guarantee of control or management, seeing that the works have to be carried out according to the Government specifications, and, practically, under Government supervision, and that all regulations made under the Bill must be agreed to by the Department? I think that would meet the case with certain reservations. I hold it is of prime importance that the State should not permanently, or, if possible, temporarily part with its rights in respect of the waters of the Murrumbidgee for two reasons: First of all, it might lead to complications so far as the inter-State question is concerned; and, second, the State at large should be considered, and not one portion of the State.

2851. If the question of inter-State rights in the waters which feed the Murray are to come into the question, why does the Department propose to carry out the work? So that being in the hands of the Government, they would, as a Government, be able to deal with the Governments of the States concerned.

2852. Is it not a fact that the Victorian Government is now taking a greater quantity of water from the Goulburn River—which stands in somewhat the same relation to the Murray as the Murrumbidgee does—than it is proposed to take from the Murrumbidgee under this Bill? No.

2853. Are they not already taking 1,700 cubic feet per second from the Goulburn? No.

2854. What are they taking? About 400 cubic feet per second as a maximum.

2855. Did not Mr. Wade in his evidence say that they had a canal to provide for taking away 1,700 cubic feet per second? Yes; but at present they are not diverting that quantity, and they cannot do so in the near future.

2856. Why not? Because they have not facilities for using it.

2857. Are they not constructing a canal to take a further quantity of 300 cubic feet per second from the other side? They are extending the canal that you are speaking of to Waranga, and it is intended to take a canal out of the Waranga Basin towards the Mallee, but that is only in progress. At present the only water that can be used is the water used by two trusts—the Rodney and Echuca-Waranga.

2858. Is it your opinion that the resumption clause in this Bill is not sufficient to guarantee the control to be carried out much in the same way as if the management were under the direct control of the State? I would not say that quite, because I say this: that if the State does not do this work, we must, if this scheme is to be sanctioned at all, give facilities for the promoter to carry it out.

2859. Will not the provision in this Bill, that the company can construct the work while the State would have the control, be a sufficient guarantee to the public that the control and management would be carried out in a satisfactory way? Yes; I think the State should allow the work to be carried out by the promoter under certain conditions if the Government fail to do it.

2860. *Mr. Hall.*] Have you had an opportunity of studying the break-away of any of these large dams? Yes; I have seen something of it.

2861. Have you made any comparison of the relative strength of this proposed dam with some of those which have broken away? Yes; I have studied the question generally. As a rule, there has been some defect in the construction wherever they have failed.

2862. Was there some defect actually in the construction and not in the original scheme? In some cases it was in the design. The dams were not stable when erected, and, therefore, they were not able to fulfil the conditions when put to the test.

2863. Are all the engineering authorities fairly well agreed as to the strength that would be required to resist certain pressure in connection with these dams? Yes; there is no question on that score. If the dam be constructed so that the line of resistance is within the middle third, then it is stable. In some cases the

the dams have failed where that has not been the case. In other cases they have failed owing to neglect on the part of those who maintained them, and they became undermined. That has happened notably in America. Then, in other cases, the water got round the dam.

2864. Have the break-aways within the last ten years caused the leading engineers to alter their views considerably? No.

2865. Do you think that if this scheme were submitted to any engineering authorities they would have no difficulty in commending it as far as safety is concerned? So far as safety is concerned; it is absolutely a question of cost. If you build the dam as a retaining wall, capable of resisting the pressure of water against it, it must stand.

2866. Do you say that it was inherent weakness in the scheme which caused the dams to break away? Yes.

2867. Was it not known what was the power of resistance in these retaining-walls when the dams which broke away were constructed? Yes; and apparently the dams were stable. I have a case before me—that of the Austin dam, in the United States—where the toe of the dam was allowed to be undermined, and it broke away in a big flood. There is a very full account in the Department of the Interior—Water Supply and Irrigation—papers of the United States Geological Survey, No. 40. It is written by a man named Taylor. There is a sketch on page 47 of the report, figure 11, giving a cross-section of how the toe of the dam was undermined.

2868. Have all weaknesses of that kind been provided against in Mr. Gibson's scheme? I do not think the designs are made. Full provision has been made in the estimates for that kind of thing.

2869. Do you think, if nothing else stood in the way, that the Committee could safely recommend this Bill so far as the safety of the structure is concerned? Yes, certainly.

2870. Supposing the Department sanctioned the scheme, would they have inspectors there to see that the dam was carried out as sanctioned, and that the specified materials were put in? That would be imperative, because, supposing the promoter carried out the works, it would be on the condition that the Government eventually could resume the work at, I suppose, the cost of the dam. It would, therefore, be very necessary that the Government should be satisfied that the work was done properly.

2871. Should provision be made, if Mr. Gibson erected the dam, that the Government should have full power to inspect? Yes, that is very imperative.

2872. *Chairman.*] Mr. Wade, in his evidence, said that an officer was going up to Barren Jack, and would be able to give the Committee information within a week;—can that officer now give the Committee the information required? The survey is not yet made. I do not know what the information was, but possibly it relates to the contour survey that is to be made.

2873. It was to show the height to which the water would be backed up? That related to a dam 200 feet high. It materially alters the aspect of things when the dam is reduced in height by 20 feet.

2874. *Mr. Bruce Smith.*] You gave an answer to the Chairman, which, if read as an isolated passage, would convey the idea that you disapproved of the scheme; I wish to get rid of that impression;—is it not a fact that, provided all the qualifications and objections which you have offered in your evidence are observed as amendments in the Bill, you, speaking on behalf of the Department, have no objection to the concession being made? That is so.

2875. Would the Department regard it as a boon that Mr. Gibson should carry out this scheme? I think the Department would regard it as very desirable that someone should carry out the scheme. I do not know about Mr. Gibson or any individual. What we want to see as a Department is, that a really good start should be made in water conservation and irrigation.

2876. *Mr. Ferguson.*] Have you read most of the evidence that has been given here? I cannot say that I have read it at all, but I am generally conversant with it.

2877. Have you read Mr. McKinney's evidence? I have read a little of it, not all.

2878. Mr. McKinney said, in answer to a question of mine with regard to silt, that he thought the silt would accumulate there at the rate of about 1 foot in 100 years;—do you agree with that? No; it is contrary to the experience all over the world.

2879. Would this reservoir be filled in flood-time? Yes.

2880. Is it a fact that there is a quantity of silt carried in suspension in flood-waters in all rivers? Yes.

2881. In the report with regard to the Austin dam which has been referred to, have you seen what is said there about the silting up of Lake McDonald? Yes.

2882. In that report it says, "That water first flowed over the crest of the dam on May 16, 1893, at which time there were 83,556,000 cubic yards of water in the main channel of the lake up to the level of the crest of the dam. In 1897, there were only 51,889,000 cubic yards of water in the channel, the remaining 31,667,000 cubic yards (or 38 per cent. of the original capacity) being silt";—do you remember that passage? Yes.

2883. Do they give some diagrams with regard to the silting up of the channel on the same page? Yes, and they go on to crystallise it by saying, "Estimated in depths on a square mile base, we have in 1893 a volume of water equal to a depth of 80.9 feet, and in 1897, four years later, we have a volume of water equal to a depth of 50 feet, and silt to a depth of 30.9 feet, showing the average amount of silt deposited annually to be 7.7 feet on a square mile base."

2884. Mr. Wade in his evidence estimated roughly the life of the dam at fifty years; that is to say, that in fifty years the dam would be silted up if you had no method to get rid of the silt, and at that time it would be necessary to build the dam higher or get rid of the silt in some form;—does not this Austin dam, according to the tables shown, fill up in much less time than that? Yes.

2885. Do you think that the general remarks made on the Austin dam, with regard to silting in that river, are generally applicable to the Murrumbidgee and its watershed? I should scarcely think they would be parallel. It would be very difficult to give an opinion, because it depends so much on the nature of the country, the friability or otherwise of the country which forms the catchment, and the slopes of the catchment. The conditions vary in all catchments. Mr. Wade, I think, when he gave his opinion, mentioned sixty years, and he suggested that it should be provided for by a payment of  $\frac{1}{2}$  per cent. That is very high. Without giving an opinion as to the quantity of silt, my idea is, that it would be a fair thing to estimate the life of this reservoir at 100 years. In all probability it would have a much longer life, but it is customary in works of that description to allow for the cost of the reservoir in addition to the interest to be repaid in 100 years, and that is a very fair basis.

2886. Do you say that  $\frac{1}{4}$  per cent. instead of  $\frac{1}{2}$  per cent. would be sufficient? Yes.

Witness—J. Davis, 29 Oct., 1903.

2887. Would it be a fair charge on the promoter that he should pay an additional  $\frac{1}{4}$  per cent. in order to provide either to get rid of the silt or to repay the cost of the work? I think he should pay more than the interest of 4 per cent., so that the capital should be repaid in 100 years.

2888. Have you any record of the quantity of silt carried in suspension in any of the New South Wales rivers? No.

2889. Is it mere guess-work? Yes.

2890. Before you submit this proposal to the Public Works Committee, will you obtain all that information? We will get the best data we can; but, to be really reliable data, it would have to extend over a period of years. Data is being prepared now.

2891. Will you also have some data as to the area of country that will be flooded by the impounding of this water? Yes.

2892. Have you an officer on that work now? Yes.

2893. Can you tell pretty accurately the height to which the water will rise when the dam is constructed? Yes, absolutely.

2894. It is mentioned in the report on the Austin dam that a surveyor, at the request of a farmer, made a mark on one of the trees, to show that the water would rise to that height when the dam was full;—is it mentioned as a fact that, when the water did get over the crest of the dam, it rose to the exact mark on the tree which the surveyor made? Yes.

2895. Does that show that you can tell accurately how high the water will rise? Yes. In the case of the Austin dam, the data they worked on seemed to be very imperfect and unreliable, and to a great extent it was due to those factors that the failure occurred.

2896. Did the dam fall owing to those defects? Yes.

2897. Do you think it would be advisable for the Government to wait until an inquiry takes place by the Public Works Committee before giving sanction to this private Bill? I do not think that that affects the question very much, because the inquiry by the Public Works Committee, as far as I understand it, will only affect the desirability or otherwise of constructing the dam in this particular position. Presumably, Mr. Gibson is prepared to settle that question at once.

2898. I suppose you readily see, as a public officer, that there will be a conflict between two parties, one of whom will desire the Government to do the whole of the work, and another who will prefer that it should be done by a private company? Yes; and I say at once that I would prefer the Government to do it; but I would rather that these canals should be constructed by a private individual than that they should not be constructed at all, because I regard it as of such vital interest to the community.

2899. Mr. Wade says that Barren Jack is the key of the Murrumbidgee? I agree with that.

2900. And that that is the best available site for a work of that description? Yes.

2901. The Government has collected a large amount of data upon which Mr. Gibson has built his scheme? Yes.

2902. Seeing that the Government have collected this large amount of data, which this private company are now making use of, do you not think that it would be better to let the Government first say, that is, after the inquiry by the Public Works Committee, that they will not do it, before you give permission to a private company to do it? I think that should be so; but the question is whether, without waiting for the Public Works Committee, provision will be made in the Bill, in the event of the Government saying no, that the promoter shall have the option of going on; but up to that date the Government should have the right to construct.

2903. That only refers to the construction of a dam; the Bill does not say anything about the construction of the whole work;—it only gives the Government the option to construct the dam up to a certain time? Yes.

2904. Seeing that there will be a conflict between the two parties, do you not think it will be advisable to wait until the Government, through the Public Works Committee, first have the chance to say yes or no to the whole scheme before you give power to the company? It seems to me you do not want to submit it to the Public Works Committee for the Government to decide whether they are prepared to go on with the canals or not. If the Government are prepared to go on with the canals, and immediately, to my mind that settles the question. It should be done in that way. Then, the law provides that the way for the Government to proceed is to go before the Public Works Committee. But the first question to be settled is, Are the Government disposed to go on with this work?

2905. Of course, the Government would not undertake this work without the usual inquiry by the Public Works Committee and submission to Parliament afterwards;—they would not take the responsibility like the leasing of the property from the Citizens' Life Assurance Company? I have no opinion about that leasing.

2906. In a work of that kind, would the Government undertake it without the sanction of Parliament? No; I do not think you understand me. The last thing before the proposal goes through the ordinary machinery, which is incumbent on the Government by law, is to settle whether they are prepared to go on with this work or not. If they are prepared to go on with the work, they could put the machinery in motion.

2907. Have they expressed an opinion upon that yet? I am not sure, but I think Mr. Gibson has been informed through the member for the district that the Government had no objection to this being brought forward as a private Bill; but I do not think the Government has expressed any opinion beyond that.

2908. There has been certain evidence given before the Committee, or counsel for Mr. Gibson has put in evidence extracts from writers with regard to the American system of building dams of this kind, and whether they should be done by private enterprise or by the Government; there is a work written by Smythe, called "The Conquest of Arid America"—have you read that book? Yes; I read it at the time it was published, and I have re-read portions of it lately.

2909. I want to call your attention to one or two passages in this book;—do you remember these passages:—

The people of Southern California are plainly moving along the line which leads to public ownership of public utilities and co-operative management of commercial affairs. . . . It is probable that California has seen almost the last of the attempts to establish a policy of private ownership of irrigation works, the most vital of all public utilities in arid regions. . . .

Then]



Then, with reference to Colorado, he says :—

More and more the State asserts its authority in the control of irrigation works and practice.

With reference to Utah, which is, perhaps, the home of irrigation settlement in America, the first to be made, and perhaps the most perfect according to recent writers :—

No other community in the west will deal with more interesting irrigation problems in the future than Utah. The conflicts between the policies of public and private ownership cannot be avoided since both are represented in systems which lie side by side.

Do you remember those passages? Yes.

2910. The opinions quoted by counsel from works before the Committee were that, almost without exception, irrigation works had been conducted by private enterprise in America ;—do you agree with the author whom I have just quoted, which quotations coincide with a statement made by Mr. Wade? I agree with Mr. Smythe.

2911. Seeing that this Barren Jack reservoir is the best possible place at which irrigation works could be constructed, the only place where the State has a fair chance, would it be right to hand it over to a company before the State, through the ordinary methods, has an opportunity of saying no? I think it would be very wrong.

2912. *Chairman.*] Taking these authorities which have been quoted, and the private schemes which are referred to, were those schemes carried out and those opinions formed under the conditions which are proposed to be provided for here? As far as I understand, most of the irrigation work in America up to a certain point was carried out privately. Certain rights were conferred by the Central Government or by the State Government, and on the strength of those rights the private companies carried out the works ; but it has not been found to work well.

2913. Was that because the rights were absolutely unconditional? It has been found, as Smythe says, that where public utility is in question, then the public, through the central authority or otherwise, should have control. The conflict of interest is so great that the central authority, representing the public at large, should have control.

2914. Is it not a fact that in all, or nearly all, private enterprises in America, such as irrigation works or railways, the control of the works has been absolutely unconditional in the hands of private enterprise? To a very large extent.

2915. Are not the opinions quoted based on that fact? The opinions are based on the fact that those conditions are not altogether a success. They might have arrived at that conclusion without having the experience. I could not sanction any Bill, as an officer of the Public Works Department, that did not secure control by the State. The general interests are so vital that that must be the cardinal point.

2916. Apart from the fact that the control is not absolutely State control in connection with the reservoir, what is your opinion about the other conditions of the Bill? I think myself that if the reservoir and the canals could be constructed by the State it would be all the better, but I do not make it a vital question that the canals should be constructed by the State. I do say this, with regard to the reservoir, that even if for the moment the exigencies of the case may require that Mr. Gibson should construct his reservoir, the State should at any time be at liberty to take possession. If Mr. Gibson takes control, even then the State should have not only control of the management, but, to a very great extent, of the construction.

2917. Does not the Bill really provide that? The Bill, to a certain extent, does ; but it will require to be modified, so as to make it very much more explicit than it is.

2918. Supposing that the Committee were to recommend the Bill to Parliament, and that it should be passed into law this session, does it not provide that even then the State can decide to carry out the work itself up to the 1st July, 1904? Yes.

2919. If during the recess the Public Works Committee inquire into the proposal, and recommend it to Parliament, and the State decide to build the work, will this Bill practically be void? In what respect do you mean?

2920. With respect to the Barren Jack dam? Yes.

2921. Which you regard as the key of the whole work? Yes.

2922. *Mr. Bruce Smith.*] Is it not a fact that up to the passing of the Carey Act, in 1901, during a whole century of American history, irrigation works were carried out exclusively by private enterprise? I believe that is the case.

2923. Was not the Carey Act introduced into the Parliament of the United States for the purpose of dealing with large areas upon which it was desirable to settle people, those areas being of such a character that settlement could not be expected until some great State undertaking was entered upon to conserve water? That may have been the primary reason, but judging from the literature put out, I cannot help feeling that the desire in the United States is that where large communities are interested, and many and diverse interests are affected, that the State, and the State only, or the central authority, is the proper authority to have control.

2924. I am not asking your opinion on that now ;—I am asking you whether it is not a fact that for a whole century private enterprise has been allowed to monopolise irrigation works, and is it not stated by Meade that the primary purpose of the Carey Act was to bring about settlement upon those large areas? Yes, I believe that is so ; but you have to bear in mind that all works of general utility have, in the past, been carried out by private enterprise in the United States with respect to railways, tramways, electrical works, irrigation, and all other works.

2925. Do you look upon the United States as the home of private enterprise? Yes.

2926. Is it only during the last two years that this innovation has taken place in the United States, and that this new legislation has been brought forward? Yes.

2927. Can you name any other Act besides the Carey Act which has been introduced in the United States to deal with this question? I do not know of any other.

2928. It has been suggested to you that it might be fair and reasonable to delay this matter until the Public Works Committee has ascertained whether the State should undertake it? I understood the question ; but I do not quite know that it was meant in that way, because after all the Public Works Committee does not settle the policy of the country. The Public Works Committee, after Parliament in its wisdom relegates a question of inquiry to it, decides in the abstract, I presume, whether the work is desirable or not.

2929. Does not the Bill provide that the Government can still undertake the construction of this dam at any time prior to June of next year? Yes.

*Witness*—J. Davis, 29 Oct., 1903.

2930. Would that power to give notice of the intention of the Government to construct by June of next year give ample time to the Public Works Committee to make its inquiry so as to have this information available? Yes.
2931. Is it not provided in the Bill that the Government need not give notice of their intention to carry out the work until June next year, and that even then it may decline to spend £50,000 in the following twelve months? Yes.
2932. Does not the Bill provide that even in the event of the promoter carrying out this work the State can at any time resume the work? Yes.
2933. Will not that give the Government the advantage of being able to take over the work if it is a success, and to leave it alone if it is a failure? Yes.
2934. Is not that an advantage to the public? I do not see that it would be an advantage to the public, to the Government, or anyone else, for the dam to fail. I hold that it is in Mr. Gibson's interest and in the interests of the community at large that even if Mr. Gibson carries out the work it should be carried out on such sound lines that it will be successful. The failure of Mr. Gibson's experiment would put irrigation back for years. It is to our interest that Mr. Gibson should make it a success.
2935. Does not the Bill provide another protection by saying that the dam shall be constructed according to designs approved of by the Minister, and that it shall be carried out with the approval of the Minister? Yes.
2936. So that there is every guarantee that the Department could give that it will be carried out in a proper way? If the Bill does not give that guarantee, we must have it in.
2937. *Mr. Ferguson.*] Do you understand that the Bill does not give the Government power to resume the channels, but only the dam? Yes.
2938. Do you recognise that the real conflict of opinion between parties will be on the question of State control of the whole of the works, and not the dam alone? Yes.
2939. The Bill does not touch that phase of the question at all; the Bill gives the Government the option to construct a dam;—but the conflict of opinion will be whether the Government should do the whole of the work, or whether they should have supervision of the dam and the company should have control of the channels? Yes.
2940. That will be decided only by Parliament? Yes.
2941. And that, I suppose, ought not to be decided until Parliament has had the whole of the evidence collected, and it is hardly reasonable to suppose that it will be brought before Parliament unless there is evidence available, that is with regard to the dam and canal, and the whole work? I do not think Parliament will want much evidence to decide the matter of policy. It is purely a matter of policy as to the direction of these canals, or whether the canals are going to pay. That will not be the question submitted to Parliament in connection with this private Bill. What will be submitted to Parliament will be whether it is good or bad policy to allow private enterprise to undertake the work.
2942. The Government are safeguarded as far as the building of the dam is concerned;—it is an advantage to the promoter that the Government should build a dam, and that he should pay interest on it? Yes.
2943. As long as he has the distribution under his control? Yes.
2944. Do you not think it would be right that the Government should have the option of constructing the channels as well as the dam before this Bill is introduced to Parliament? Yes.
2945. Before Mr. Gibson's company or syndicate was formed, were the Government making surveys or preparing plans with the object of constructing this reservoir? Yes.
2946. I suppose that in a short space of time the Government would have submitted the proposal to the Public Works Committee if Mr. Gibson had not appeared on the scene? I would always hope so.
2947. You would not prepare plans without a definite object in view and for mere amusement! No; we would do so with the hope that some good would result.
2948. Did you recognise that the question of irrigation was important, and that this was the best available spot to build a dam to try the experiment? Yes.
2949. After you collected an amount of data that satisfied you on that point, Mr. Gibson's syndicate was then formed, and they built their proposals on the evidence you had collected? Yes; that must be so.
2950. Mr. McKinney went along the levels taken by Mr. Wade, and followed his pegs? Yes.
2951. The Department has collected all this evidence, and has gone to all this expense, and Mr. Gibson has the advantage of it without its costing him a penny? Yes, I dare say that Mr. Gibson has the advantage of the crystallised scheme.
2952. That is to say, supposing Mr. Gibson had not appeared on the scene, and you had gone as far as you have, if I or anyone else thought there was any money in this I could go to the Works Department, see pretty well all your plans, and find out exactly what you proposed to do? Yes, in a general way. For instance, a Member of Parliament could.
2953. Mr. Gibson, or his company, have done that? I do not know that we supplied Mr. Gibson with any information direct. I suppose the information he has got is through Mr. McKinney, who is a kind of personal embodiment of everything in connection with irrigation in this State.
2954. Mr. McKinney said he had seen Mr. Wade's plans? Yes.
2955. His scheme is built on the plans prepared by the Department? Yes; Mr. McKinney was in the Department for many years, and I suppose he initiated it.
2956. And all the later information that you collected he has got from you;—Mr. Gibson submitted the proposal to the Public Works Department, and he would have to make provision for distributing the water? Yes.
2957. If Mr. Gibson had not appeared on the scene at all, would the scheme which would be submitted to the Public Works Committee provide, not only for the impounding of the water, but the distribution afterwards? Yes.
2958. The whole proposal of this Bill would have been submitted to the Public Works Committee and afterwards to Parliament? Yes.
2959. Now that Mr. Gibson has come on the scene, his Bill only provides to give the Government control of the dam itself; that is to say, his company has exploited the Department for all this information, and they say, "We will give the Government the option of building the dam, but the Government will not have any control over the main channels"? I believe that is the position they take up in the Bill.

2960. Having gone so far, would it not be better for the Government to go right on? Yes, if the Government are prepared to do it.
2961. They will not have the chance if this Bill is passed? If Parliament sanctions the passage of the Bill, and if the Government are not prepared to go on with the channels, it would be better for private enterprise to carry it out than that it should not be carried out at all.
2962. Without the Government having had a chance of saying yes to it? I would not say that.
2963. There has been no concrete proposal before the Public Works Committee or Parliament in any way to give them an opportunity of testing the opinion of Parliament on the matter? No.
2964. You collected all the information, Mr. Gibson came on the scene, then you stopped and left it at that? Not exactly. I take it that when the Government sanctioned the introduction of Mr. Gibson's Bill, they considered the propriety or otherwise of allowing private enterprise to come in with respect to the canals. In doing that, presumably they took into consideration the practicability or otherwise at this time of going on with the work themselves.
2965. Did the Government sanction the introduction of this Bill? I may say that the papers show that the Government stated, through Mr. Byrne, that they would not object to the Bill being introduced and referred to a Select Committee for consideration.
2966. Did they lead the promoters to understand that they were favourable to this Bill, and has there been Cabinet sanction to it in any way? There is no Cabinet sanction.
2967. Is it only the sanction of the Minister for Public Works;—has he promised that he will not oppose the Bill? No; that is not quite it. It is just as I have stated.
2968. You said that Mr. Byrne, the member for the district, had seen Mr. O'Sullivan? I did not say anything of the kind.
2969. I understand the proposed Bill has the sanction of the Minister;—it is in his Department, and it would naturally go to him? The application was made to the Minister for Public Works, but the Government decided that there would be no objection to the Bill being introduced and referred to a Select Committee. That was communicated to Mr. Byrne.
2970. Did the Government decide that or only the Minister? The Government decided that they had no objection to the Bill being introduced and referred to a Select Committee. As to the provisions of the Bill, I know that exception was taken to some of them, but the Government did not express any opinion on them one way or the other. That appears in the papers, otherwise I could not state it.
2971. It has not been made a Cabinet matter at all, or gone through the usual form, but Mr. O'Sullivan said that he would not object to the Bill? I did not say anything of the sort. What I said was that it appears in the papers that the Government stated that they had no objection to Mr. Byrne or some other member introducing the Bill as a private measure to be referred for consideration to the Select Committee. That is as far as the Government have gone. The Minister, as such, has expressed no opinion whatever.
2972. He has only expressed an opinion in favour of the introduction of the Bill, and not of its provisions? I do not say that the Minister expressed any opinion whatever.
2973. You said Mr. O'Sullivan? No.
2974. You say that the papers say so? I say that the papers said the Government.
2975. We will put it that the Government have said they would not offer any objection to the introduction of the Bill by Mr. Byrne or any private member;—the Government have not expressed any opinion on the general question of the Bill itself? None whatever.

THURSDAY, 12 NOVEMBER, 1903.

Present:—

MR. AFFLECK, MR. FERGUSON,		MR. ASHTON, MR. MACDONALD.
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G. S. BRINER, ESQ., IN THE CHAIR.

Mr. Bruce Smith, with him Mr. W. K. S. Mackenzie, instructed by Messrs. Bowman and Mackenzie, appeared for the Bill.

Mr. Shand appeared on behalf of the Public Works Department.

Mr. Rolin, instructed by Messrs. Fisher and Macansh, appeared for the settlers on the Lower Murrumbidgee.

Walter Alexander Macpherson, grazier, Paika Station, near Balranald, sworn, and examined:—

2976. *Mr. Rolin.*] Has your holding frontages on the Murrumbidgee River? Yes; 40,000 or 50,000 acres.
2977. How many miles of frontage? About 25 along the river.
2978. Does the station consist of freehold and leasehold? Yes.
2979. Has the flooding of the river any effect upon your station? About 46,000 acres adjoining the river is flooded in almost every year. There are only two years in my recollection of twenty-two years when the river has not overflowed its banks more or less.
2980. With reference to your station, how much land is covered in a small flood, a moderate flood, and a big flood? In a big flood, 45,600 acres are covered; in a moderate flood, 20,000 acres; and in a small flood, 10,000 acres. This year the river was 11 feet 6 inches at Hay, and 9,600 acres were covered.
2981. What height of the river at Hay above summer level gives you some flooding? I put 11 feet 6 inches as the minimum.
2982. Does that flood your holding to the extent of 9,000 acres? Yes; it did so this year.
2983. From 11 feet 6 inches upwards at Hay the flooding increases? The higher the river the more country is flooded, and in big floods 45,000 acres are covered. A rise of 16 feet above summer level at Hay will cover the whole of our frontage.
2984. What is the effect of that on your holding? It increases the carrying capacity enormously; it allows us to spell our back country, and give it a chance during the worst part of the year in summer.

Witness—W. A. Macpherson, 12 Nov., 1903.

We can carry one sheep and a half to the acre for six months in the summer on the frontage lands after the floods have been on them. The country down there has a very poor carrying capacity outside the frontage land.

2985. How does the country run with reference to the river? There is a very small fall of 4 inches to the mile along the river.

2986. Once the river breaks its banks, how does it affect the country? The river through deposits has built itself up until it is really the highest part of the country there. When a flood rises sufficiently to break over, it runs right away from the river 6 or 7 miles out on either side, and floods the country. There is also a fall down the river as well as out. The water runs right down and gets into the river lower down.

2987. Does that practically give a natural irrigation to all your frontage country? Yes.

2988. How does it affect the back country? It not only irrigates this land, but creeks run out through the run and fill large lakes and swamps, thus giving us good watering places.

2989. Does the flooding of the river fill the creeks, billabongs, and swamps in the back country, making the back country better? Yes; the water runs out 35 miles from the river and fills a lake there. It goes right through the run.

2990. So that the flooding not only directly affects the land it covers, but it also gives water on the back of the run? Yes.

2991. It has been suggested that you do not often get a flood;—can you say, from your experience of twenty-three years, in what years you have been flooded? In the years 1882, 1883, 1887, 1889, 1890, 1891, 1892, 1893, 1894, 1895, and 1900. The whole of the frontage was covered in those ten years by good floods; about 45,000 acres were deeply covered in those years. In the years 1884, 1885, 1886, 1895, 1896, 1897, 1898, 1899, 1901, and in this year, 1903, there were moderate floods, covering from 9,000 to 20,000 acres. This year it was one of the lowest of the moderate floods.

2992. What about the years 1888 and 1902? Those were the only two years that we had not a flood.

2993. So that out of twenty-two years you have had floods such as you describe in twenty years; Yes.

2994. Is part of your holding leasehold? Yes; 168,000 acres.

2995. How much of the flooded country is leasehold? There is very little.

2996. What is the nature of the leasehold tenure? We have a forty-two years' lease now under the Western Lands Act, under a provisional rent. The rents have not yet been fixed.

2997. Hitherto, have the rents which you have been paying been assessed on the carrying capacity of the run as a whole? Yes.

2998. And is the carrying capacity largely affected by your frontage country being flooded? Certainly; it makes an enormous difference.

2999. You can rest the back country, and, therefore, the carrying capacity of the back country is improved? Yes.

3000. And your rents are estimated on the carrying capacity? Yes.

3001. So that your rent to the Crown is actually estimated on the footing that part of your holding is flooded country? Yes; and we also purchased this land at a high figure, owing to its liability to be flooded.

3002. Is there any question that the flooding does increase the value of that land? Certainly not.

3003. If it has been suggested that the liability of flooding diminishes the value, is that correct? No; quite the contrary.

3004. In a year like last year, when there was no flooding, what was the carrying capacity of that frontage? Practically nil. It takes three years of dry weather before it will grow grass after a flood has been over it; flooding seems to spoil it for growing grass by the natural rainfall.

3005. But if you get a flood, in subsequent years is there a growth of grass? Yes; there is an enormous growth of herbage of all descriptions.

3006. But without a flood, even rain does not give that? Yes; it wants about three years to be kept dry in order to grow good grass.

3007. What is the nature of the country? Black alluvial soil, gum swamps; we ring the timber.

3008. You are speaking actually of your own holding, but can you tell us how far your evidence really applies to other country on the river? I have made out a rough estimate, which I know is below the actual area. From Hay to Murray Junction there are 326,000 acres of Crown lands and 272,000 acres of freehold lands which are inundated by the floods. From the Lachlan Junction to Hay, the land is a good deal higher than from the junction to the Murray, and it requires a higher flood from Lachlan Junction to Hay to cover the land than is required from the Lachlan Junction to the Murray.

3009. But in these figures which you have given, do they apply to the whole of the land liable to flood from Hay to Murray Junction? Yes.

3010. With reference to the whole of that land, can you say that its value is made from the flooding? Yes, certainly, and nothing else.

3011. Did you ever hear of a Mr. Nixon, as a land appraiser? No; he never appraised land below the junction of the Lachlan, as far as I know.

3012. Did he ever do so at your place? No.

3013. Do you know the proposed scheme under this Bill? Yes.

3014. Can you speak with reference to the feeling of the district about any such scheme?

[Mr. Bruce Smith objected to the question. Objection upheld.]

3015. *Mr. Ashton.*] Have any public meetings been held there? Yes.

3016. *Mr. Rolin.*] Can you say whether anything has been done by way of public meetings, or the formation of leagues, with reference to this matter? A league was formed at Balranald, in 1901, embracing all the residents from the Lachlan to the Murray Junction, to look after the interests of the residents on the lower river.

3017. Has that league held any meetings? A meeting was held at Balranald, in 1901, to protest against the deepening of the Yanco cutting. The Department was written to. I think another witness has the minute-books of the league showing what resolutions were passed.

3018. Do you hold any position on that league? I am chairman of the league.

3019. The meeting was with reference to the Yanco cutting;—has any meeting been held with reference

to

to this scheme? This year a meeting was held, and the deputation now in town is the outcome of that meeting. There was also a meeting held at Oxley.

3020. Speaking for yourself, can you offer an opinion as to what would be the result of damming the river at Narrandera in the way now proposed? I can only give the opinion of a practical man; I cannot give an expert opinion; I can say what I think will occur. If a dam is erected at Barren Jack the floods will be so regulated that we will not get that spurt down the river which is necessary to force the water over the banks. The water will be regulated so as to keep the river flowing all the year round. That will be desirable for navigation; but for flooding it will destroy our chance altogether.

3021. *Mr. Bruce Smith.*] Are you speaking irrespective of the Maude Weir proposal? Yes.

3022. *Mr. Rolin.*] Does the river run between pretty fair banks? Yes; from 18 to 20 feet.

3023. A merely full river gives you nothing? It is no advantage. A foot of water in it is as good as a banker if it does not come over the bank. A foot of water in the river meets all our requirements for stock purposes.

3024. Will anything that prevents flooding seriously damage you? Yes; every inch that comes off the top of a flood injures us.

3025. Is navigation of any value to you? Certainly; it is the only way we have of getting our wool, wheat, and other produce away, and of getting up our stores.

3026. What is the navigation level? A steamer can get up when the water is 2 feet or 2 feet 6 inches above summer level.

3027. Is summer level good enough? I cannot say for certain, but I think not.

3028. As a resident with river frontage which is likely to be affected, do you object to anything that would interfere with the present condition of things? Certainly.

3029. Can you make any suggestion to the Committee which might, supposing this proposed scheme were carried out, lessen its effect on you and your country? Yes; I consider that if there were weirs or locks erected on our portion of the river to raise the river up to the old natural height, so as to flood the country, it would be quite sufficient compensation for taking the water away above. Then we would be in favour of these schemes, because we recognise, as practical men, that it will be the best thing for the country. We do not like to object to these things, but we must do so in order to save ourselves. If they can give us something to compensate us for the loss of the natural floods, we would be quite willing to fall in with any scheme for taking water from the river. There are thousands of millions of gallons going to waste every year, and it is a pity to see it.

3030. How would weiring or locking improve matters? We could do with far less water than down the river; you could keep the water in it, and then send it out. Before the water starts to flood there is a little channel of the river running to the west.

3031. So that weiring or locking would keep a fairly full river permanently? Yes; the river would be always full, and it would only take a small flush to make it break its banks. There would then be oceans of water for everybody; it would save all the waste of water.

3032. If that were done, would your objection to this proposed work be removed? Yes.

3033. Are you aware of any such scheme of locking having been proposed? Mr. Granter, an engineer from the Works Department, was down there. He came down and selected a site; and I know that Mr. McKinney, when he was Principal Engineer, selected sites.

3034. How many sites? From what Mr. McKinney said, six sites between Murray Junction and Hay would be sufficient; that is a matter for experts. Mr. Granter was surveyor for the Western Lands Commission.

3034. If this scheme is such as to stop the flooding of your country, what will be its effect on your country? It will destroy it.

3036. Would it make the country practically valueless? Yes, we would lose our principal asset. It is the only asset worth having in that part of the country.

3037. Taking an ordinary flood year, how much stock do you carry? In 1900 we had 60,000 sheep on our country; in 1902 we had not a hoof. In 1900 there was a good flood; in 1902 there was no flood, and that made a difference of 60,000 sheep.

3038. Is that practically all the sheep on your holding? No, we carry more; that was the number on the holding in 1900. We had droughts before that, and we got understocked.

3039. In 1900, with a flood, did the rainfall assist you? No, the rainfall has no effect when floods come.

3040. In 1900 you had 60,000 sheep, but last year you had none? Yes, we lost a lot.

3041. Was there nothing on the frontage for them? It was as bare as this floor.

3042. Can you say anything with regard to the homestead lessees, and have you any authority from them to speak? Yes, I have a letter from eight homestead lessees.

3043. Do you know them? I know most of them.

3044. Will you read their letter? Yes, it is as follows:—

To the Chairman, Murrumbidgee Locking League, Balranald.

Sir,

We are much alarmed to find that Mr. R. Gibson, of Hay, has had a Bill laid before the House to authorise him to construct a large canal through an area of dry country from the Murrumbidgee, somewhere above Narrandera. We also notice the Minister for Works has promised to construct a canal, about 7 miles long, from Narrandera to Cudgel Creek. If these waters are diverted from this river it is plain that our supply will be so cut off that Manie Creek will not run, which will mean ruination to all of us. Our holdings, which consist of about 10,000 acres each, are all on Manie and Peacock Creeks. Owing to a low river these creeks went dry last year, and we either lost our stock or had to remove them. One of us, Mr. E. Barker, had 700 acres of wheat in, but, owing to want of water he could not irrigate it, and lost the lot.

We hope your league will take immediate steps to try and prevent this diversion of water until this end of the river is properly locked.

Yours, &c.,

EWEN CAMERON.	J. G. L. HOTELLIER.
CHARLES COLLARD.	ELISHA BARKER.
A. M. COLLARD.	A. M. KENNEDY.
R. G. L. HOTELLIER.	RICHARD BLAKE.

3045. Do you know the creeks referred to in that letter? Yes.

3046. Are they creeks which are filled by the overflow of the river? Yes. The overflow must be 15 feet at Balranald before it will run into those creeks.

3047. Those gentlemen say that their holdings are on these creeks, and that is their water supply? Yes; some of them have started irrigation plants on the creeks, and they practically lost everything last year through those creeks not running.

Witness—W. A. Macpherson, 12 Nov., 1903.

3048. *Mr. Bruce Smith.*] Have you read the evidence of Mr. Wade? Only extracts that appeared in the Press.

3049. Where do you suggest that those weirs or locks should be placed to neutralise the loss that you say you would suffer? Giving a practical view, I should say that a lock should be placed immediately below Balranald; I think there should be one at the mouth of the river; another should be placed at our northern boundary; there should be another at the junction of the Lachlan; and another at Maude.

3050. Do you know that the Maude Weir has actually been designed and promised? Yes; but we object to that. We consider that the river should be locked from the mouth up.

3051. *Mr. Ashton.*] Would the Maude Weir make it a bit worse for you? Yes.

3052. *Mr. Bruce Smith.*] Do you defer to professional opinions on that matter? Not altogether. The professional gentlemen are interested; they are prejudiced. I have never seen evidence given by any professional gentleman here yet that gave anyone the idea that they understand our position, or that they have studied it.

3053. Do you know that Mr. Davis, the permanent head of the Public Works Department, has come here in order to serve the interests of the public and the Government, and has opposed this scheme, except upon certain conditions? No; I do not know it. We have had no chance of seeing the evidence.

3054. Do you know that Mr. Davis said this: that the Maude scheme had been promised; that it could be carried out approximately for £20,000 or £30,000; and that its effect would be to artificially flood the lower river? Then Mr. Davis is utterly wrong, and does not understand the position. On our side of the river it would be impossible to get any water from that weir. The Lachlan comes in and cuts the country in half. None of the water could come from the north side of the river on to us from that weir on account of the Lachlan.

3055. *Mr. Macdonald.*] I suppose what you mean is, that if you had weirs and locks on the lower part of the river where you indicate, it would enable you to artificially flood the country, and it would not then be of so much consequence if the Barren Jack scheme prevented the natural flooding? I think it would do us a lot of good then. We could get a good flood every year.

3056. *Mr. Bruce Smith.*] I understand your position is this: that you and the men associated with you recognise the importance of this conservation of water in the river; but you want to have it accompanied by some provision which will prevent it from depriving you of the advantages which you now enjoy? That is it in a nutshell.

3057. You do not defer to the opinions of Mr. Davis and Mr. Wade if they are in conflict with your own; but you profess to know more accurately, from local acquaintance with the properties concerned, what is wanted than they do? Yes.

3058. This is what Mr. Davis said—Question 2732:—

If this diversion took place as suggested under this scheme, it might deprive some of this land on the banks of the advantages of flooding, but at the same time it is better that they should have a smaller supply than that this diversion should be prevented? Yes.

2733. To some extent, do you anticipate that the supply would be a more regular one if this weir were constructed, even though this diversion should take place? Yes.

2734. What would be the effect of that weir on the people down the Murrumbidgee? We might give them water every year, whereas now they only get water once in seven years.

2735. Would it be a positive advantage to the people down the river to have the flooding done in that regular way by this weir, rather than in an intermittent manner as at present? Yes.

Does that affect your opinion? Very few of the officials have been down the river, and they do not understand it.

3059. Are you on the west side of the river? Yes.

3060. How does it affect your side of the river compared to the east side of the river? It is almost similar country.

3061. Do you know that the people on the other side of the river have expressed an opinion that they would get an advantage by the construction of this weir? Yes; I am sure they would, but we would not; we would lose by it.

3062. Then the conditions are not the same on both sides? Yes; but those people are above us. They would get the water first.

3063. Is it your opinion that unless five weirs or locks are constructed, the residents and occupiers on the banks of the river on your side will not continue to have the same advantages from flooding as they have had in the past? Yes; on both sides of the river. The further you go down the river the more flooded ground there is. The ground is higher from Hay to the Lachlan Junction.

3064. Do you not know that the series of locks and weirs that you refer to were proposed for navigation as well as irrigation? Yes.

3065. Are you in a position to say how many would be required if irrigation, apart from navigation, were the only requirement? I am sure fewer would do for irrigation alone, but I cannot say how many.

3066. Have you any professional opinion, which you could put before the Committee, as to how many would be required in order to give you a flooding of your land apart from navigation? No.

3067. Do you recognise that, apart from navigation, a small number of weirs would really improve your position rather than injure it? I am sure it would.

3068. Will you admit that navigation would be very much improved by a guaranteed 500 cubic feet of water per second running down the river, instead of being reduced to 19 cubic feet per second at Hay, as it was lately? Yes, as far as navigation is concerned.

3069. As far as navigation is concerned, would a minimum flow of 500 cubic feet per second be an improvement? Yes.

3070. And a lesser number of weirs than suggested by Mr. Granter would improve the position of the riparian owners, apart from navigation? Yes; but we would not get 500 feet per second, if that is calculated at Narrandera.

3071. How much did you get this year? Practically nothing; we could straddle the stream. I doubt whether 500 cubic feet per second at Narrandera would give us anything at all down our way, because the evaporation and soakage is so great.

3072. But would it not be to your advantage if 500 cubic feet per second were substituted for 19 cubic feet per second? If it were substituted at our part of the river it would be all right.

3073. You had none this year? We had a few feet.

3074.

3074. You know that what you got this year was the result of 19 cubic feet per second at Hay; if 500 cubic feet per second were running, the chances are that you would get more, and would not that be better for navigation than at present? If you say 500 cubic feet per second at Hay, I should say it would.
3075. *Mr. Rolin.*] What you mean by saying that a weir would improve your chances is this: that a weir, keeping a full river above it, would improve the chance of flooding above the weir? Certainly.
3076. Would it improve the chances of flooding below the weir? Very little.
3077. So that when you say that you object to a weir at Maude, do you mean that a weir at Maude would not improve the position below Maude? It would not improve it all; there would have to be other weirs on the river, otherwise the water would run back to the river.
3078. What you mean is, that if the Government, or the proprietors of this Bill, or some authority, weirs the river right down to Maude, and so preserve the present natural conditions, so that the result will be to give you flooding, you will have no objection? Yes. I have a strong opinion against any private individual making these works. All the people down there consider that the whole of the works should be carried out by the Government. We think that if the waters of the river get into the control of private companies we shall have to take a back seat. They will be bound to consider their own interests if they are to make it a commercial success.
3079. *Mr. Bruce Smith.*] A thing which you do not do? We do that; but they have no right to have control of a national work like the Barren Jack dam and other schemes.
3080. What proportion of the holdings on the east are flooded, as compared with the west side of the river? They are almost equal.
3081. Is there three times as much land subject to floods on the east side as there is on the west? No; there is almost an equal area on each side. That applies almost the whole way down from Hay.
3082. Is not the property which you control about the largest on the west side? No. There is a large property north of us that used to belong to James Tyson—that is, Tupra. There is one holding still larger than those two—that is Canally, which extends to both rivers.
3083. Are those three holdings affected by the floods? Yes.
3084. What proportion do these three holdings represent of the whole of the land on that side which is affected by flooding? The greater part. There are only a few other small holdings; there may be 100,000 acres held by small men.
3085. Will any other member of the league be able to make a more definite statement as to the number of weirs which in their opinion would conserve their flooding interests as against this scheme? I do not think so. We are quite prepared to leave it to the Government.
3086. Are you prepared to leave it to the Government to neutralise the effect of this scheme in depriving you of this flooding? Yes.
3087. Are you prepared to state how many of these weirs are required? Only approximately.
3088. *Mr. Macdonald.*] Would the alienated land in your possession have been purchased by you at the price paid for it if you did not believe that you would have the uninterrupted benefit of flooding by the river? Certainly not.
3089. *Chairman.*] Do you know that the Under Secretary for Public Works stated to the Committee that the navigability of the river would not be affected appreciably, either in Victoria or here, by any scheme such as this? Perhaps it would not; I think this Barren Jack reservoir will improve navigation, because there will be a better river all the year round.
3090. Would anything proposed under this scheme affect you just the same if it were carried out by the State? Yes.
3091. If this scheme is carried out under State supervision, and if the regulations under the Act are made practically by the State, what objection have you to it? Because the promoters of this scheme have given us no idea of their intention of making these weirs, which we hold are necessary if the scheme is to be carried out. There is nothing in the Bill to show they are going to build those weirs, and we recognise that if we do not have them we will suffer a great loss. Further, as a matter of principle, we do not think that any private company should have the control of these waters.
3092. Your whole objection is that private enterprise should not be allowed to control this work? Yes.
3093. *Mr. Ashton.*] Would you not object to this scheme in its present form if the Government were carrying it through? Certainly.
3094. Do you object to any scheme unless the lower river is weired or locked? Yes.
3095. Whether carried out by private persons or the Government? Yes.
3096. *Chairman.*] Is it not a fact that for the last two or three years the flow of the river from Narrandera down has been much less than 500 cubic feet per second? Yes; last year it was very much less.
3097. If this proposal guarantees a minimum flow of 500 cubic feet per second, will not that improve your condition? No; we were just as well off with the little we had last year as if millions of feet were coming down.
3098. When the Barren Jack dam is once full, will you not have natural flooding after that? I do not think so.
3099. Is it not a fact that, during the last ten years, navigation has decreased on the river? That is simply owing to drought; the navigation will come again.
3100. Do you not take advantage of the railways? There are no railways near us to take advantage of; another thing is that railways cannot compete with water.
3101. Have you seen this Bill? Yes.
3102. Is it a Bill that you think does not sufficiently safeguard the interests of the people? I do not think it is quite fair with regard to the quantity of water they will be able to take off.
3103. Do you know that the Public Works Department propose to carry out this scheme? No.
3104. The promoter of the Bill has expressed his willingness to have a clause inserted, giving the right to recover damages for injuries sustained by anybody in consequence of carrying out this scheme;—do you regard that as a sufficient safeguard? No; no money damages would pay us. The only thing that would pay us would be to take the land back and let us get away.
3105. You do not regard the mere right of action as a sufficient safeguard against possible damage? No.
- 3106.

Witness—W. A. Macpherson, 12 Nov., 1903.

3106. *Mr. Macdonald.*] Is it your opinion that State control of a scheme like this would be more likely to give fair consideration to the interests of the general community than private control? I am sure it would.
3107. *Chairman.*] Do you think that the provisions of the Bill safeguard the public interest quite as much as if the State carried out the work? No.
3108. Do you know that there is a resumption clause in the Bill? Yes; but I have not studied it very closely.
3109. Do you know that the work must be carried out under State supervision? Yes.
3110. Provided that the Public Works Department and the promoters come to an agreement with regard to this work, and as to the State being given the first chance of carrying it out, would you be prepared to consent to the scheme as agreed to by them? No; as a matter of principle I object altogether to any private individuals having control on any consideration of the waters of the rivers.
3111. *Mr. Macdonald.*] Do you prefer to have to negotiate with the Government rather than with any private individuals? Yes.
3112. *Mr. Rolin.*] You were asked as to navigation;—is navigation alone of any practical value to you? Yes, of very great value.
3113. Is navigation without flooding sufficient for you? No; we would forego navigation altogether if we could get the flooding.
3114. Is the flooding a matter of the greatest importance? Yes.
3115. Is flooding the thing of primary importance? That is the whole thing.
3116. Is there any provision in this Bill to provide for flooding below the weir? None at all.
3117. Is that your main objection to any such scheme? Yes.
3118. *Chairman.*] Whether carried out by the State or by private individuals? Yes; they will have to provide some compensation for us.
3119. *Mr. Rolin.*] Is there any provision at present in this Bill for compensation for being deprived of floods? Not as far as I can see.
3120. *Mr. Macdonald.*] Did you say that the only sort of compensation adequate for you in the event of the flood-water being stopped from coming down would be by the repurchase of your land? Yes; to let us get away. It would destroy our whole asset.
3121. *Mr. Bruce Smith.*] Since I examined you, I have had this plan turned up, showing a series of weirs prepared by Mr. Granter; they are numbered 1, 2, 3, 4, 5, 6, 7, 8, 9;—is that what you referred to when you spoke of a series of weirs which had been designed? Yes.
3122. Do they extend from Hay down to the Murray Junction? Yes.
3123. Is that the series of weirs which were suggested by Mr. Granter, and are they fairly represented in this plan, which is attached to the report of the Inter-State Royal Commission? Yes; those were for navigation. No doubt we would be satisfied with less for flooding.

Harry Lewis Harben, storekeeper and forwarding agent, Balranald, sworn, and examined:—

3124. *Mr. Rolin.*] Whom do you represent? The Municipal Council of Balranald. I am not an alderman, but I am an ex-Mayor of the town.
3125. Were you appointed to represent them here? Yes; I have a letter from the Council asking me to represent them here in conjunction with Mr. Lindsay.
3126. How long have you lived at Balranald? Sixteen years.
3127. Do you know Mr. Macpherson, who has just given evidence? Yes.
3128. He has told us that during twenty-two years the river has flooded for twenty years;—is that according to your recollection? I cannot speak for twenty-two years, but speaking for sixteen years that is practically correct; last year there was no flood.
3129. Have there been any meetings in reference to this scheme? Yes; at Balranald.
3130. Has a league been formed? Yes; I am acting secretary for it.
3131. Have you the minutes of the meetings of the league and of the public meetings? I have not got them here, but they are in Sydney, and I can produce them. I have a copy of the resolution which was carried at a public meeting in Balranald on 25th August, of this year.
3132. What was the nature of the resolution? A meeting was called by the Mayor, in response to a requisition, and the following resolution was passed:—“That this meeting, consisting of residents of Balranald and those residing on the Lower Murrumbidgee, view with alarm the proposal of Mr. S. McCaughey to erect a weir on the Murrumbidgee River with the object of diverting the waters, and respectfully request that our Member be asked to interview the Minister with a view to stay proceedings till such time as the Murrumbidgee River is locked from the junction upwards. Should Mr. McCaughey be allowed to carry out his proposal, this meeting consider it would mean utter ruination to those holding land on the Murrumbidgee from Yanco to the junction of the Murray.”
3133. Was that with reference to a proposal to weir the river at Yanco? Yes; it was all in connection with this, as far as we knew.
3134. Are you acquainted with the country, as a forwarding agent? Yes.
3135. Did you ever hear of Mr. Nixon appraising land below Hay? No.
3136. Did you ever hear of his appraising land above Hay? No; I never heard his name in connection with appraising.
3137. Do you know what height of the river at Hay gives a flood at Balranald and below? It is hard to say. We cannot gauge the river now, as we could formerly before the Yanco cutting was made.
3138. Do you happen to know that this year, with 11 feet 6 inches at Hay above summer level, there was a flood? I think the highest at Hay was 11 feet 6 inches. We had 11 feet 8 inches at Balranald. That was the highest this year.
3139. Did you get some flooding with that? Very slight. 11 feet 8 inches is not enough to flood the country. It begins to break out at some of the low-lying places.
3140. From that height onwards, does it begin to break over? We consider about 15 or 16 feet is of service; it commences then.
3141. What height of river at Balranald is the navigation height? With 5 feet on the gauge at Hay we consider the river is navigable—that is, above summer level. The boats have different draughts, but we call that an open river at Hay.



3142. Is summer level navigable? No; I think it is not navigable to Hay at summer level.
3143. What about Balranald? With summer level at Balranald it is not open for any decent-sized boat; it is only available for very small boats, which are of no use to us.
3144. At what height on the gauge at Hay do you get a navigable river to Balranald? I can tell you what height at Balranald will give a navigable river. The boats can run when the river is about 2 feet above summer level at Balranald, but it is not a fair river; it is then only fit for small boats. We consider that 4 or 5 feet at Balranald is a fair river.
3145. How much wool is sent out on the lower river below Hay? About 15,000 bales in a fair season.
3146. How many tons of cargo? I estimate that about 2,000 tons are carried on the lower river from the junction up to Hay.
3147. Has shipping been continually carried on since you have been there? Yes; boats have been running there every year for the last sixteen years. Last year we had only a bit of a freshet, but the boats managed to get along.
3148. Would a quantity of water kept in the river, so as to give you only summer level continually, be of any practical value, either for navigation or flooding? No.
3149. Are only the river frontages affected by the want of flooding? No; the back-country people, at different periods, when they have a bad season, avail themselves of the frontages to keep their stock on agistment.
3150. After the country is flooded, do they utilise it? Yes; they go on to the frontage. All over the holdings they can get grass.
3151. *Mr. Bruce Smith.*] What is the maximum area which is flooded at any time below Hay? From figures which I have got, I should say about 500,000 acres.
3152. Is that the maximum? Yes; I should imagine so.
3153. Here is a map showing the country which is flooded; it is attached to the report of the Inter-State Commission [*Exhibit No. 8*];—do you identify that as fairly representing the area of flooded country? I should not take that as showing the full extent of the flooded country. There is other country likely to be flooded. I say that from my own knowledge. I am speaking from what I have seen. It does not show anything below Balranald, and that country is affected by floods. That is the country from Balranald down to the Junction.
3154. Do you say that this map is deficient in that respect? Yes.
3155. What do you say about the country up the river? I cannot speak of the country beyond Hay.
3156. Do you see how many acres are represented on that map? Yes; 1,250 square miles.
3157. Does not that represent a much larger area than you have stated? Yes; I have given you my figures as I have estimated them, but they are only rough.
3158. How many were present at the meeting which you have referred to? It was a representative meeting.
3159. Were there fifty present? I will not undertake to say there were fifty. In a small place like that it is hard to get fifty people together.
3160. Will you undertake to say there were twenty-five? Yes; I think so.
3161. May I take it that there were twenty-five present? There might have been more; I cannot exactly say from memory, but it was a representative gathering.
3162. Do you admit that the conservation of water at Barren Jack Dam would very much improve matters at Balranald? It might, with certain provisions—that is to say, by protecting the lower interests and working upwards rather than from the top end.
3163. Would it improve the condition of things at Balranald? Not without these other provisions.
3164. Would it increase the minimum supply of the river? We take the stand that if the river were locked from the mouth upwards it might improve matters; without that it would be detrimental to our interests.
3165. *Mr. Ashton.*] Last year the minimum flow at Hay only amounted to 15 cubic feet per second; the Bill provides that at least 500 cubic feet per second shall flow down the river at the off-take of the canal;—would not that represent an improvement for people dependent on the water in the bed of the river? The difference is so large between navigation and irrigation that I cannot see that it would.
3166. Taking the municipal wants of the town of Balranald: would the town derive any benefit from the periodical flooding? Not actually, but at the same time our interests are thoroughly identified with the areas outside.
3167. I accept your evidence with regard to that, but would not the town of Balranald be chiefly interested in getting a reasonable supply of water in the river at all times? We have that at present; we were never stopped from pumping.
3168. Had you any difficulty last year? We had a slight temporary difficulty.
3169. Do you think Balranald would derive any particular benefit from keeping a larger quantity of water within the banks of the river? No.
3170. *Mr. Bruce Smith.*] Would you not get an advantage from the point of view of navigation? As far as navigation is concerned, we have only had one very difficult year; that was last year, and it was unprecedented.
3171. *Mr. Macdonald.*] At the public meeting to which you have referred, were there people present who had a representative character—for instance, the members of the Council? Yes; they were all there, and the principal men in the town were also present.
3172. *Mr. Ashton.*] Did that meeting pass a resolution protesting against Mr. McCaughey carrying out the work? Yes; but I am not quite sure about that. We have been so confused over the schemes that we did not exactly know what it was.
3173. Did you know, when you held that meeting, of the existence of this scheme? I cannot say.
3174. Has there been any meeting at which resolutions have been passed protesting against this scheme? No; probably not, although this might have had something to do with it.
3175. *Mr. Bruce Smith.*] Does not the resolution embody a reference to Mr. McCaughey's proposal to erect a weir on the river? We imagined that all these schemes were Mr. McCaughey's.
3176. *Mr. Macdonald.*] Is it not a fact that your presence here is the result of a meeting held to protest against taking water from the river? This is the result of the meeting.

Witness—H. L. Harben, 12 Nov., 1903.

3177. *Chairman.*] Do you base all these objections on the proposal of Mr. McCaughey? We have been somewhat in a fog.

3178. Have you seen this Bill? Yes.

3179. Have you gone through it carefully? Yes; as far as I am able to go through it.

3180. Can you not separate that scheme from Mr. McCaughey's proposal after seeing the Bill? I am in the same position to-day—I do not know.

Samuel Lindsay, sworn, and examined:—

3181. *Mr. Rolin.*] Whom do you represent? The Lower Murrumbidgee League and the Municipal Council at Balranald, and I am the manager of Yanga station.

3182. Where is that station? Within 5 miles of Balranald—just below; it is on the east side of the river, near Paika station.

3183. Do you depend on the flood waters for your herbage? We depend upon the flood waters to give us summer feed.

3184. On your holding, how much land is affected by flood waters? 150,000 acres. About 110,000 acres are actually inundated—that is, with a rise of 18 ft. 10 in. above summer level at Balranald Bridge.

3185. At what height at Balranald Bridge does the water begin to break over? At 11 ft. 6 in. it begins to come over; at 11 ft. 8 in. we have about 32,000 acres inundated; from that up to 18 ft. 10 in. it gradually inundates the country.

3186. Is it upon that inundation you depend for your summer feed? Yes.

3187. Without that inundation, as, for instance, last year when there were no floods, had you any summer feed on your frontages? No.

3188. When you have summer feed, can you rest your back paddocks? The result is, that we can save our stock during the summer months. In some years I have actually saved stock through the inundation; otherwise I would have had to send the stock away or lose them.

3189. Last year, for instance, what was your condition as to stock? Last year there was no inundation, and I had to send most of the stock away.

3190. In an ordinary year, how many stock do you carry? From 80,000 to 90,000 sheep.

3191. Last year how many could you carry? Right through only 28,000.

3192. In addition to the country that is actually covered, and the assistance it gives to the back country, does your back country get any further advantage from these floodings? Yes; the water goes down the creeks and into the lakes.

3193. Is the fall of the country along these creeks practically away from the river? The banks of the river are always a little higher than the inside country, but then the fall is towards the river; therefore, the higher the rise the greater the inundation.

3194. But as far as these creeks are concerned, do they depend, not on the local rainfall, but on the flooding? Yes.

3195. And do they carry the water to your back paddocks? Yes; besides the freehold country on Yanga there are about 90,000 acres of Crown lands which benefits by the inundation.

3196. Is that leased to you? No; it is simply licensed from year to year.

3197. Have you been sent here to represent the Council? Yes; I have a letter authorising me to represent the Municipal Council of Balranald.

3198. With reference to this Bill, or any proposal to stop the water coming down to you, do you object to that unless some provision is made for giving you the flooding which you now get? We object to the Bill, unless some provision is made at our end to enable us to get the flood water which we get now.

3199. Without that flood water, would the value of your Yanga holding be very seriously diminished? Yes; for the inundated country is almost valueless without the water. It is worthless for sheep. It has no grass unless it is inundated, or unless there are very heavy rains, and we do not get heavy rains except once in twelve years. Twelve inches 13 points is the average rainfall. The rainfall above us, in the country which this scheme proposes to deal with, is something like 17 inches—that is, at Narrandera.

3200. Do you agree with Mr. Macpherson that irrigation should be left to the Government? I would prefer to have it in the hands of the Government, because I think we would be better treated by them. I do not think it is safe to let a big scheme like this go into the hands of a private syndicate or company.

3201. Would you object to any scheme by the Government or a syndicate which did not give you the flood water which you now get? Yes.

3202. *Mr. Bruce Smith.*] Provided that adequate provision is made by sufficient weirs, would you have no objection to the scheme? We would have no objection to the Government carrying out the scheme.

3203. Apart from that, would you have no objection to the scheme itself, provided adequate provision were made in the opinion of the Public Works Department to secure flooding of the lands? I cannot answer that question. It might be in the hands of private enterprise, and we would not care for that.

3204. If it were in the Government hands, you would not object so long as the Government secured you the flooding? Yes.

3205. So long as the Bill provides, in their opinion, sufficient to secure you the flooding? In our opinion, not in their opinion.

William James Campbell, grazier, sworn, and examined:—

3206. *Mr. Rolin.*] Where do you reside? Newmarket, 28 miles west of Hay.

3207. Have you a frontage to the Murrumbidgee? Yes.

3208. Do you depend on the flood waters in parts to give you herbage? Yes.

3209. Is it your experience, in most years, that you get flood waters sufficient to benefit you? Not in most years.

3210. In how many years do you get it? Anything over 16 feet at Hay would do me some good.

3211. Is your land higher and less subject to flooding than the land below you at Balranald, and below Balranald? Yes; anything under 16 feet is not of much use to me. Anything from 16 feet to 20 feet is good.

3212. How does the flooding affect you? A 20-foot flood would cover about 7,000 acres of my country, and it would enable me to graze after the flood, if it came at the right time of year, about three sheep to the acre for two or three months; without a flood, and with merely the average rainfall, I could not graze 2,000 sheep on the same area.

3213. Provided some scheme was proposed which would give you the same probability of flooding as you have at present, you would not object to any scheme for dealing with the river water, so long as your present interests are conserved? Yes.

3214. Would you prefer to see the control of the river water kept in the hands of the Government rather than in the hands of private individuals? Yes.

3215. Was Mr. Nixon ever appraising on your holding? I have no knowledge of it.

3216. What is the area of the Newmarket holding? 22,000 acres.

3217. Are 7,000 acres of that liable to be flooded with a good flood? Yes, over 7,000 acres.

3218. Within the last few weeks have you had any flood water on your land? No.

3219. Have you seen it near you? Yes, about 20 miles west of me.

3220. Within what time? During the last six weeks. With a rise of 11 ft. 6 in. at Hay, about 600 acres of an area of about 8,000 acres was covered with flood water, which has made good grass.

3221. *Chairman.*] Do you know that this is a scheme by which it is proposed to utilise the waste waters of the river? Yes, I am told so.

3222. Do you think that if once the dam were built, and there was a decent scheme of locking the river below the off-take at Narrandera, that your interests would be conserved? No; I am not satisfied that they would be.

3223. Is your objection to the scheme solely based on the ground that it should be a State enterprise instead of a private enterprise? No; I think that the river should first be locked down below to protect us.

3224. No matter who does the work? Yes.

3225. So that if the State proposes to carry out this work you would have the same objection to it? Yes, unless the river is locked from the mouth.

3226. Do you know that the Public Works Department proposes to refer this work to the Public Works Committee? No.

3227. Do you not know that Mr. Wade has gone to California to make inquiries? Yes.

3228. Would you have the same objection to the State carrying out the work as you would to private enterprise doing it? I am in favour of the Government doing it.

3229. Why? The State would watch our interests better than private people would.

3230. Supposing this dam were built at Barren Jack, would not the flooding of the lands down below take place once the dam were full? It would take some time to construct the dam, and perhaps we could not get the water when we wanted it most.

3231. After the dam is completed would it not be reasonable to assume that your lands would be flooded just the same as if the dam were not there at all? I cannot say.

3232. Do you know that the flow of the river at one time this year was 19 cubic feet per second at Hay? Yes.

3233. Do you know that the Bill proposes that the minimum flow shall be 500 cubic feet per second? Yes.

3234. Would not that be better for you than the present state of things? It would be better, but it would not be sufficient to give us flooding. Anything over 16 feet would flood my country.

3235. Which do you regard as most important, flooding or navigation? Flooding.

3236. *Mr. Ashton.*] Do you know anything about the Government proposal to construct a weir at Maude? Yes.

3237. Would that be of any advantage to you? Yes; it would flood my country.

3238. If this scheme were carried out, plus the Maude weir, would that meet all your requirements? Yes.

3239. Would you be in just as good a position as you are in now? I would be in a better position if that weir were constructed.

3240. Even if this scheme were carried out? Yes.

Frederick Edmund Vandeleur, Manager of Canally station, Murray Junction, sworn, and examined:—

3241. *Mr. Rolin.*] Has your station a frontage to the Murrumbidgee? It has a double frontage to the Murray and Murrumbidgee.

3242. Do you get flood water from the Murrumbidgee on your station? Yes.

3243. On both sides? Yes.

3244. Is that flood water of any benefit to you? Yes; it is of the greatest possible advantage.

3245. If you were deprived of the flood water, would it seriously injure the value of Canally? It would be ruination.

3246. How long have you been there? About five years.

3247. Have you had floods during those years? Yes; but last year we had none. We had a small flood this year.

3248. During the other years have you had floods? Yes.

3249. Does that country depend on the flood water for pasture? Yes.

3250. What is the area which is flooded? 23,000 acres are flooded in a fair flood, and more than that in a high flood.

3251. *Mr. Ashton.*] What height at Balranald represents a fair flood? Seventeen feet on the Balranald gauge give us a fair flood.

3252. *Mr. Rolin.*] I produce a map attached to the report of the Inter-State Royal Commission, showing the flooded areas;—is that map correct, when it does not show an area near the junction as being flooded? It is not correct. We have flooded country on both sides in addition to what is shown there.

3253. If it is correct in showing 1,250 square miles of flooded country down to Balranald, do you say there is a lot more land below Balranald which is also flooded? Yes; there is country on Yanga station, besides mine, which is not shown as flooded.

3254. Do you object to this scheme unless there is some provision to preserve to you your flood waters? Yes; I strongly object, unless we have some such provision for compensating us for the water.

Witness—F. E. Vandaleur, 12 Nov., 1903.

3255. Would the mere giving of a right of action for damage be any advantage? No; I mean some provision for giving us the water.
3256. *Mr. Macdonald.*] If you cannot get the flood-water, would you be glad to give up the land? Yes, glad to get somebody to take it; it would then be utterly useless.
3257. *Mr. Rolin.*] How many sheep do you carry with a fair flood? Over a sheep to the acre for some months on 23,000 acres; we can carry a sheep and a half sometimes.
3258. *Chairman.*] How many did you carry last year? We did not carry any. We had to send them away on agistment, and a lot of them died. We had under 4,000 sheep on 550,000 acres.
3259. *Mr. Rolin.*] How many acres would be flooded in a big flood? About 30,000 acres.
3260. Does this flooding give you water at the back of the run? Yes; we have two creeks which fill from the Murrumbidgee, and one of these creeks fills two lakes. Besides that, it gives us water in what is called Mainie Creek. That creek runs down to the Murray, and on its course there is a large settlement of small men who depend upon that water altogether. There are about 80,000 or 100,000 acres under settlement below us. Last year they were dried altogether; there was not a drop of water in the creek. These men have sent in a letter which I think has been read.
3261. Do you share Mr. Macpherson's views on the subject? Yes.
3262. *Mr. Bruce Smith.*] Will you extend, by a pencil mark, the flooded areas shown on this map which has been reduced? Yes.
3263. *Mr. Rolin.*] Is Yanga below Balranald? Yes.
3264. Is some of that run flooded, but not shown on this map? Yes.

John Bennett, storekeeper, Oxley, sworn and examined:—

3265. *Mr. Rolin.*] Have you any position in any league? I am Chairman of the River Defence Association; that is a local body, comprising residents at the junction of the Murrumbidgee and the Lachlan, mostly in the reed-bed country.
3266. Has that association deputed you to represent them here? Yes; I am their delegate.
3267. Is it the opinion of your association that any interruption to the flooding of the Lower Murrumbidgee will be very detrimental to the interests of the district? Yes; of the whole district.
3268. Have there been any meetings at which resolutions were passed with reference to this matter? Yes; we had a large meeting on 10th October. It was a thoroughly representative meeting. I was in the chair, and it was held at Oxley.
3269. What resolution was moved? The principal resolution was that known as Mr. Ronald's resolution, in which it was claimed that this scheme should not be gone on with until such time as weirs and locks were put upon the river.
3270. As far as a layman is capable of forming an opinion, is it your opinion that weiring or locking the lower river would meet the case if this scheme is gone on with? Yes.
3271. How many people were at the meeting? I should say at least fifty.
3272. Is Oxley a small place? Yes, a very small place. These people were from the township and from the neighbouring district.
3273. Does the prosperity of Oxley depend upon the prosperity of the surrounding district? Yes.
3274. So far as navigation is concerned, is the river usually navigable every year? It has been navigable every year since I have been there—that is, for the last twelve years.
3275. Is the business of the district carried on by means of the river? To a considerable extent it is. We lay in large stocks while the river is navigable.
3276. Is it considerably cheaper to use navigation? Yes; it makes a difference on general goods of three-eighths of a penny per lb. Of course there are some lines it does not affect so largely.
3277. How does the flooding particularly affect the reed-bed country? When there is a fair amount of water in the Murrumbidgee, and the Lachlan comes down, the water cannot get away, it is backed up by the Murrumbidgee, and it flows over the reed-beds. The reeds are a great stand-by in the bad times, when stock come from all parts of the district. When they are starved out in their own places, they use up these reeds.
3278. Would permanent water in the river to the extent only of summer level be of any practical assistance to the town and district? No; it would be no good.
3279. At what height does navigation begin on the Murrumbidgee? Some of the boats draw very little water, and about 2 feet above summer level would do them, but for most of the boats 5 feet of water is wanted.
3280. So that merely keeping the supply in the river at about summer level is practically no good for navigation or flooding? Yes.

Robert Wilson Ronald, pastoralist, part owner of Nap Nap, sworn and examined:—

3281. *Mr. Rolin.*] Is your station on the Murrumbidgee below Hay? Yes.
3282. Has it a frontage to the Murrumbidgee? Yes.
3283. Do you depend in part on the flooding of the Murrumbidgee to give you feed? Yes.
3284. Is not the land which is below Hay for some distance not so easily flooded as the lower river? Yes; it is higher land.
3285. At what height on the gauge at Hay does flooding begin on your country? At 11 feet 6 inches it begins to break over.
3286. What area of flooded country have you in a moderate flood? With us a small flood would cover 6,888 acres of freehold, and 14,084 acres of Crown land; that is, when the Hay gauge shows about 15 or 16 feet.
3287. What area would be covered by a big flood? 12,678 acres of freehold, and 91,769 acres of Crown land.
3288. What tenure have you with regard to Crown land? We hold it under improvement lease for twenty-eight years; we do not come under the Western Lands Division.
3289. Is your land assessed on its average carrying capacity? Yes.
3290. Does not that depend on the land being flooded? Yes.

3291.

3291. Without flood-waters would the carrying capacity be very much diminished, and the rental less? Yes.
3292. Is the effect of the flood to give you feed? Yes.
3293. Without flooding, would that country give you any feed? It would be according to the rainfall.
3294. Do you practically depend upon the flooding? Yes, for a greater carrying capacity.
3295. Have you read this Bill? Yes.
3296. As far as you can see, is there any provision for continuing this flooding? None.
3297. Would the result of this Bill be to deprive you of that flooding? Yes, a considerable amount of it.
3298. Would any scheme of locking or weiring the river from Hay downwards probably put you in the position in which you are at present, even with this scheme? Yes.
3299. That is to say, if the river were locked or weired and a full river kept, a slight rise would give a flood? Yes.
3300. Would that effect be produced under this scheme? Yes, with locks.
3301. Do you know Mr. Nixon as an assessor? I know he was assessing in the Hay district.
3302. Did he assess below Hay? I would not be certain, except with regard to our own particular country.
3303. Did he assess Nap Nap? No.
3304. Is it correct if it has been suggested that the flooded country is made valueless by the floods? Certainly not, as far as Nap Nap is concerned.
3305. And, from your experience, can you say that that has been the case with the country below Hay? Yes.
3306. Does the flooding produce herbage and make the value of the country? Yes.
3307. Was there a meeting held at Oxley, at which a resolution was moved with reference to this scheme? Yes.
3308. What were the terms of that resolution? A resolution was carried as follows:—  
That this meeting strongly protests against the action of the State Government in allowing Mr. Gibson's Northern Murrumbidgee Irrigation Bill to be brought forward for consideration before a complete system of locking has been carried out from the mouth of the Murrumbidgee upwards.
3309. Was that a representative meeting at Oxley? Yes.
3310. As this scheme stands at present, would it inflict great injury on the people below Hay? Yes.
3311. Whether carried out by the Government or by private individuals? Yes.
3312. If a scheme of weiring and locking from Hay to Murray Junction were adopted, would it do away with any evil effects? Provided it was a Government scheme.
3313. Would you prefer to have it a Government scheme? It ought certainly to be a Government scheme, because we would have more chance of being considered in this matter of locks and weirs; it would then be a question affecting the whole river.
3314. But Government or private, unless locks and weirs are part of the scheme, would you object to it as being detrimental to the lower river interests? Yes.
3315. *Mr. Macdonald.*] Do you prefer that the control should be in the hands of the Government, because you think it would not pay the Government to make a profit out of one part of the scheme if they had to undertake the responsibility for any damage done in another part? I was not looking at it from the point of view that the Government would allow any damage to accrue to any individual.
3316. What is the reason that you prefer the Government should have control? Because I think it would then become a national scheme, which would provide for all individuals being benefited in equal proportion.
3317. *Mr. Ashton.*] That they would not be so likely to work in the interests of one particular locality? Yes.
3318. *Mr. Macdonald.*] Their responsibility would be more general? Yes; they would be more likely to look after the interests of the whole river.
3319. *Chairman.*] May we gather from your evidence that you would object to this scheme, or any other scheme, carried out by private enterprise or by the State, unless it provided for the usual flooding of the lands which you have now? Yes.

Argyle McCallum, farmer and grazier, Good Hope, sworn, and examined:—

3320. *Chairman.*] Do you wish to make any statement with regard to the Murrumbidgee irrigation scheme? Yes. The farmers along the banks of the Murrumbidgee asked me to come down and protest against the work being done by private enterprise. They say that if a dam is built at all it should be done by the Government. We say that a dam 200 feet high is so much nonsense; it is not needed.
3321. Why? Because there are other places where dams can be made without destroying such a large area of agricultural land. If the dam were built up to 120 feet very little agricultural land would be destroyed, with the exception of places on the Goodradigbee River and the Murrumbidgee valleys, where that land would be destroyed if the dam were only 50 feet high.
3322. Have you gone through this Bill carefully? Yes.
3323. Will the properties in your neighbourhood be affected by the dam backing up the water? Yes. If the dam were about 110 feet high it would not do much harm; there is only one below me with whom it would interfere, that is Mr. McKinnon. I refer to agricultural land.
3324. How do you know that a dam up to 130 feet will affect you? I know the levels that Mr. Granter took, and I have only to take a stick and a level to see where the water will come to within a few inches.
3325. Do you know that under this scheme the promoters propose to build a dam 130 feet high, and that the Public Works Department propose to insist upon their building it on a basis of 200 feet high? Yes.
3326. Do you say that a dam built on a basis of 200 feet would be very injurious? I say that if the water is backed up by a dam 200 feet high it will destroy a lot of valuable land on the river. The farming land there is just as good as in any part of the world.
3327. To what extent would that land be affected? It will simply ruin my place, and the land owned by three of my neighbours. It will take every bit of good land that we have got, and leave us with a lot of rough hills.
3328. If provision is made under the Public Works Act for compensation for any damage done, would you have any objection to the scheme, if carried out by the State? We would have to put up with it if the State carried out the work, but we would not like it.

Witness—A. McCallum, 12 Nov., 1903.

3329. Would it make any difference to you, if you had the same guarantee as to payment of compensation under the private Bill? We are dead against the private Bill.
3330. Why? Because history tells us about private enterprise interfering with the people, and what it costs the people all through the world.
3331. Are you an old resident of Yass? Yes; I was born there, and I have lived there sixty years.
3332. What is the general feeling in the neighbourhood in connection with this scheme? Along the river we are dead against the dam being more than 100 feet high.
3333. Do you know the Barren Jack site very well? Yes.
3334. Knowing that the State has the privilege of carrying out this work, do you say that you would oppose the scheme as proposed in the Bill, whether carried out by the State or by private enterprise? Yes; we do not want the dam to be over 100 feet. Then there is another thing which I wish to bring under the notice of the Committee: The Bill will give the promoter control over the land which is resumed; he will probably fence off that land, and if the level of the water falls, people in the neighbourhood will be fenced off from any access to the water, so that we will be unable to water our stock. We should always have free access to the water, no matter what its level may be.
3335. Does the Bill propose to take that right away from you? I do not see anything in the Bill to protect us.
3336. Is there any provision which you could suggest? I would like to have some provision in the Bill so that whatever might be the condition of the water, we should have a right to get to it. That is one of the main things which I was asked to point out.
3337. Do you say that if the water lying in the reservoir recedes below a certain boundary, your rights will be taken away? Yes. I see nothing against that in the Bill.
3338. Do you think that any scheme of irrigation or water conservation in that district would be a good thing? No doubt we must have water conservation. It must come eventually.
3339. Under any scheme, State or private, will you not be affected in the same way? Some people must be affected. We have not nearly so much objection to give up our interests to the State as we have to giving it up to private individuals. I can understand the State resuming my land for the benefit of the public, but I do not understand giving up my property for the benefit of a company or a private individual.
3340. Does not this Bill actually provide for all questions of compensation for damages? Yes; but I notice that if I do not get as much as I demand, I shall have to pay the cost of arbitration. But I do not see anything providing that if I get more compensation than is offered to me, that the other side shall pay the costs.
3341. Would you be prepared to accept the Bill if the Public Works Department and the promoters mutually agree to the terms of the Bill? I suppose I would have to submit to it. We have not the same antipathy to the Public Works Department undertaking the work as we have to private individuals doing so. We would object to private enterprise, under any circumstances, undertaking the work.
3342. *Mr. Ashton.*] Do you know the area of land likely to be submerged by a dam either 130 feet or 200 feet high? I can tell what will happen in my own neighbourhood, but not down the river.
3343. *Mr. Affleck.*] Are you acquainted with the whole of the land as far as Taemas Bridge? Yes.
3344. *Mr. Ashton.*] Have you formed any idea of the width of country that will be submerged? It will not be very wide, because none of the flats are more than a quarter or half a mile wide.
3345. Will it be confined within a comparatively narrow space? Yes. The widest place below my land might be three-quarters of a mile.
3346. Would that be the maximum width? The average would be about a quarter of a mile.
3347. What is the basis of your objection to a private company? In every place that I have read of where private enterprise has dealt with public works, the general public have eventually been compelled to buy back those works at a price considerably higher than they have cost originally.
3348. Is your objection on purely public grounds, or is it from your own point of view as a landowner whose interests are likely to be affected? The general public will eventually suffer; I am speaking from the point of view of the general public.
3349. You do not think that, as a private landowner, you would be prejudiced by the work being carried out by a private company? That would be a small item. I would be against them on that point too. My general impression is, that we have no right, in justice to those coming after us, to hand over any more of public estate to private enterprise than we can help. We should keep it in the hands of the public as much as we can.
3350. *Mr. Affleck.*] How much land would be inundated? I cannot say exactly, but it would take half my land and the land of my immediate neighbours. It will take about 250 acres from my property.
3351. How much will it take off Mr. McInnes'? It will take the whole of his flats, and it will do the same to Roach.
3352. What is the value of land? I refused £25 per acre for my flats some years ago, and I refused £3 an acre per annum as rent. Without the flats my place is of very little use. They keep my stock alive.
3353. What is your opinion about the land on the Goodradigbee River? It is as fine as any land in Australia; it will grow 100 bushels of corn to the acre.
3354. It is said that the backed-up water will go within 5 miles of Wood-Jasper Bridge;—how much land would be inundated there? There would be no land of great value submerged below the bridge, with the exception of Goodradigbee.
3355. How much land on the Yass River will be submerged by a 200-foot dam? The bulk of the land would be owned by Robertson, Peter Johnston, T. Johnston, and Mr. Brown.
3356. Is that land of the same quality as the land you have spoken of? It is not so good as the land on the Murrumbidgee, but it is good wheat-growing land.
3357. *Chairman.*] If the Government decide to carry out this work, will you not be affected in exactly the same way as if a private company carried it out? I suppose so; but I can understand having to make a sacrifice for our country that we would not make for a private individual.
3358. No matter what safeguards may be put in the Bill you still object to this scheme? Yes. I do not believe in taking away the rights of our children.
3359. Do you think that the State ought to do the work? Yes.
3360. No matter what safeguards are put in? I know how those safeguards can be twisted round when legal gentlemen get hold of them.

Joseph Davis, Under Secretary for Public Works, recalled, and further examined :—

3361. *Mr. Bruce Smith.*] We have had some evidence, this morning, from a number of riparian owners or leaseholders between the junction of the rivers and Narrandera, and they said that, in order to save them from the loss of flooding, it would be necessary to carry out nine weirs shown on the map attached to the report of the Inter-State Royal Commission ;—how many of these weirs would be necessary, apart from navigation, to conserve the flooding advantages which these riparian owners now enjoy ? I think all the land situated to the east of the junction of the Murrumbidgee and the Lachlan would be served by one weir at Gum Creek—that is, near Maude.
3362. The manager of a large run, Canally, has pointed out that 60,000 acres of that run is liable to be submerged, and that that area is not marked on the plan in blue ; he has outlined in pencil on both sides of the river the area which is periodically submerged ;—assuming that he is right, what other weirs would be necessary to secure the periodical flooding up to the point at which the Maude Weir would affect it ? If what he says is correct, one at Balranald would be sufficient.
3363. Is it not a fact that those nine weirs were designed with the idea of giving greater facilities for navigation as well as of conserving the floodings ? They had nothing whatever to do with the floodings ; the object was to secure navigation.
3364. It was admitted by him that a minimum flow of 500 cubic feet per second would give all that is required for navigation, but he said the flooding had still to be guaranteed to them ;—how many weirs would be necessary, from the junction of the river upwards, in order to secure the continuation of those floodings ? I was speaking with regard to the country you were asking me about ; but there is a piece of country to the west of the junction of the Lachlan and the Murrumbidgee which, I think, would not be served by a weir at Gum Creek.
3365. What other weirs would be wanted ? I cannot say positively, because the matter has never been investigated in that way, but probably one would be wanted in the vicinity of Oxley.
3366. Then, in your opinion, weirs at Maude, Oxley, and Balranald would conserve the flooding advantages to these lands ? Yes.
3367. Would the construction of those three weirs do something more than preserve the present advantages by giving them a more regular flooding ? Yes, it would properly water the country. At present it is only watered periodically.
3368. Would the construction of those three weirs give them greater advantages in every way than they have at present ? Yes ; but in addition to the weirs, it would probably be necessary to conduct the water throughout the country, so as to prevent its getting back into the river. I want to protect myself in this statement, because investigation has not been made. I have been to the place, and that is my opinion about it.
3369. You told us the other day that the Maude Weir was estimated to cost £20,000 or £30,000 ? Yes.
3370. Was that promised by the Government as a sort of compensation for the diversion of Yanco Creek ? Yes.
3371. Can you tell the Committee what the other two weirs which you have suggested would cost ? The weir at Balranald would cost a great deal more than the one at Maude, because provision would have to be made for navigation. The one at Oxley would be simply for the purpose of diverting the water. The nine weirs between Murray Junction and Hay were estimated to cost £231,750. That would give the cost of the one at Balranald as £35,000 ; that would be for a lock and weir. The weir at Oxley would not cost more than £20,000.
3372. Then, apart from the Maude Weir, £55,000 would cover the whole expense of the other two weirs which are necessary to conserve the whole of the present advantages which the riparian owners enjoy from flooding ? Yes ; but the two weirs would be useful for navigation as well. I think that eventually they would have to be put in to preserve the navigation.
3373. What do you think would be a fair proportion for the promoter of this scheme to contribute towards that cost of £55,000 from any result which might follow the construction of the dam ? I would not like to answer that question off-hand. It would require consideration, because there are other interests besides the interests of the promoters.
3374. Is there any present intention of constructing the two dams at Balranald and Oxley ? I take it we are under an obligation to construct one at Gum Creek—that is, near Maude. There is, no present intention of constructing the other two.
3375. Do you say that the weirs at Balranald and Oxley are necessary for navigation ? The one at Balranald is, but not at Oxley.
3376. Can you say roughly what you think would be a fair contribution by the promoter towards the cost of the weirs, in order to compensate for the part which this dam plays in depriving these people of their flooding advantages ? I would not like to say ; but if we leave navigation out of the question, and if the Balranald people and the people in the other States would be willing to forego navigation, a weir at Balranald to divert the water would probably cost £20,000. We would put in the weir without a lock.
3377. May I take it that, apart from the weir at Maude, those at Oxley and Balranald would cost £20,000 each, in order to conserve those flooding advantages ? Yes.
3378. *Mr. Shand.*] Have you made an estimate of the area of land which will be submerged if we build a dam at Barren Jack 180 feet high ? Yes ; about 8,000 acres.
3379. *Mr. Bruce Smith.*] Would the whole of that land be valuable for agricultural purposes ? No, but the major portion of it would be, because the slopes are rather steep. In considering the cost of the dam, we should have to bear in mind the relation in which these flats stand to the hilly country. The hilly country is almost valueless without the flats.
3380. *Mr. Ashton.*] Have you sufficient data to express any opinion as to what difference this proposed diversion of water would make in the level of the river at Hay under certain conditions—for instance, we were told to-day that 16 feet of water at Hay above summer level means a considerable flood over certain land ;—can you say how far that level would be reduced by carrying out this work ? Supposing you have a dam at Barren Jack, you will have no floods, except in very exceptional circumstances. The diagram which has been before the Committee from the beginning shows that pretty clearly. The waters of the Murrumbidgee would be under complete control.
3381. That is to say, taking Barren Jack, the weir at Narrandera, and the weirs lower down the river, none of the floods which now periodically inundate the lands below Hay would ever take place ? It would only

Witness—J. Davis, 12 Nov., 1903.

only be under very exceptional circumstances—that is, assuming that the water was being used on the right and left banks of the river.

3382. Would the construction of the weirs to which you have referred remedy that trouble so far as the owners down the river are concerned? Yes; they would raise the level of the water sufficiently high to enable the water to flow down the natural water-courses throughout the flooded country.

3383. Given the Barren Jack reservoir and the northern canal system, to say nothing of the southern canal system, these periodic floodings of the land down the river would be out of the question without the construction of the weirs which you have mentioned? I think they would be. Certainly a very large portion of the land now flooded would not be flooded, and the flooded portion would be a diminishing quantity in proportion to the quantity of water diverted.

3384. Did you say that the Balranald Weir would be more expensive than the Oxley weirs, because provision would have to be made at Balranald for navigation? Yes.

3385. What provision has to be made for navigation? A lock at the side of the weir to enable ships to get through.

3386. What are they going to do when they get to Oxley? There is no navigation on the Lachlan.

3387. Will there have to be a lock at the Maude Weir? Yes.

3388. And at all the Murrumbidgee weirs for navigation? Yes.

3389. *Mr. Bruce Smith.*] Do I understand clearly from you, that whatever effect this dam might have upon the northern or southern side in making these floodings less frequent or doing away with them, that these three weirs you have mentioned would restore the *status quo*? I think so; I think it would be an improvement on the present condition of things. They have to depend on a very big flood to get the whole of the lands flooded, and that does not occur perhaps once in seven years. A moderate flood might perhaps occur once in three years, and there might be a year or two in a period of seven years when no land would be flooded; but with weirs you would raise the level of the river, not naturally as by a flood, but artificially by the weir, and in that way you would get the water on to the land.

3390. So that there would really be a series of reservoirs about these weirs? Yes; if the nine were constructed.

3391. *Mr. Ferguson.*] Do I understand you to say that the construction of these weirs is to give an advantage to the people who own the land which is now flooded? I do not think that was the purpose exactly, but it seems to me that it would be an advantage to them.

3392. The landowners now complain that if this dam is built certain portions of their land will be prevented from getting the advantage of natural floods;—is the object of the weirs to give them that advantage which they would be deprived of? That is so; I think it is inevitable. It must be seen that this is a very rough-and-ready way, and it is at the expense of an enormous waste of water. You can accomplish the same thing by raising the level of the river by means of a weir. The river, under existing circumstances, is raised by a flood, then it goes on to the land; but what is the meaning of that? One-half per cent. may be used for irrigation, but the rest goes to the sea.

3393. Do I understand that by means of these weirs you would be able to flood a good proportion of this country at stated intervals, whenever you chose, and that you could run it off again? Yes, it would gravitate towards Balranald. Suppose the water were diverted on the northern or southern side of the Murrumbidgee at Gum Creek by the construction of a weir, it would find its way down through the natural channels and eventually run off through the Murrumbidgee.

3394. Would you not have to run off the water again;—it would be no use to keep it under water? You could not keep it under water.

3395. Would not the weir itself bank up the water over a certain portion of the land, and, unless you run it off, would not the land always be under water? I do not know that the weir itself would bank the water on to the land. It would bank it sufficiently high to run down Gum Creek, and then it would have to be used.

3396. Would it not bank up the water on some of the land? Not much of it; the weir would raise the level of the water.

3397. Then it must cover a certain area of land;—have you any idea what area of land on each side, which is not now covered, except when there are large floods, would be covered in consequence of the weir? I do not think any of the land would be covered. The bottom of Gum Creek is considerably below the top bank of the Murrumbidgee. Suppose you had the weir sufficiently high to raise the water to the top banks of the Murrumbidgee, you would, probably, have 7 feet of water flowing down Gum Creek.



1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

MURRUMBIDGEE NORTHERN WATER  
SUPPLY AND IRRIGATION BILL.

(PETITION FROM JAS. ALEX. BROWN, PRAYING TO BE REPRESENTED BY COUNSEL OR ATTORNEY  
BEFORE THE SELECT COMMITTEE.)

*Received by the Legislative Assembly, 23 September, 1903.*

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

The humble Petition of James Alexander Brown, of Neutral Bay, Sydney,—

RESPECTFULLY AND HUMBLY SHOWETH:—

1. That a Bill has been introduced into your House at the instance of Robert Gibson, to enable the said Robert Gibson to construct a storage reservoir by means of a dam across the Murrumbidgee River.

2. That such Bill has been referred to a Select Committee appointed by your Honorable House for consideration and report.

3. That your Petitioner is desirous of being represented before such Select Committee.

4. Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to grant him permission to appear before the said Select Committee by solicitor or counsel, and, if necessary, to adduce such evidence and send for such persons and papers as your Petitioner may be advised, together with power to examine and cross-examine witnesses called before the said Committee

And your Petitioner, as in duty bound, will ever pray.

JAS. ALEX. BROWN.



1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL.

(PETITION FROM H. F. CHILCOTT, SUB-MANAGER OF THE SCOTTISH AUSTRALIAN MINING COMPANY, LIMITED, PRAYING TO BE REPRESENTED BY SOLICITOR OR COUNSEL BEFORE THE SELECT COMMITTEE.)

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*Received by the Legislative Assembly, 24 September, 1903.*

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

*Re* The Murrumbidgee North Water Supply and Irrigation.

The humble Petition of the Scottish Australian Mining Company, Limited.

RESPECTFULLY AND HUMBLY SHOWETH:—

1. That a Bill has been introduced into your Honorable House at the instance of Robert Gibson to authorise and enable the said Robert Gibson to construct a storage dam across the Murrumbidgee River.

2. That your Petitioners are the owners in fee-simple of a large area of mineral lands adjoining the Murrumbidgee River which are likely to be seriously affected if this Bill becomes law. Your Petitioners are the owners in fee-simple, and there is no reservation of minerals in the Crown Grant.

3. That this Bill has been referred to a Select Committee appointed by your Honorable House for consideration and report.

4. That your Petitioners are desirous of being represented before such Select Committee.

5. That your Petitioners therefore humbly pray that your Honorable House will be pleased to grant them leave to appear before such Select Committee by solicitor or counsel, and, if necessary, to adduce such evidence and send for such persons and papers as your Petitioners may be advised, together with power to examine and cross-examine such witnesses before such Select Committee.

And your Petitioners will ever pray, &c.

H. F. CHILCOTT,  
Sub-manager of The Scottish Australian Mining Company, Limited.

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1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

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## MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL.

(PETITION FROM JOSEPH DAVIS, UNDER SECRETARY OF THE DEPARTMENT OF PUBLIC WORKS,  
PRAYING TO BE REPRESENTED BEFORE SELECT COMMITTEE.)

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*Received by the Legislative Assembly, 1 October, 1903.*

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

The humble petition of Joseph Davis, the Under Secretary of the Department of Public Works of  
the said State,—

RESPECTFULLY AND HUMBLY SHOWETH:—

1. That a Bill has been introduced into your House at the instance of Mr. Robert Gibson,  
intituled The Murrumbidgee Northern Water Supply and Irrigation Act.

2. That such Bill has been referred to a Select Committee appointed by your Honorable House  
for consideration and report.

3. That your Petitioner, as such Under Secretary, is desirous of being represented before such  
Select Committee.

4. Your Petitioner therefore humbly prays that your Honorable House will be pleased to grant  
him permission to appear before the said Select Committee by Solicitor or Counsel, and, if necessary, to  
adduce such evidence and send for such persons and papers as your Petitioner may be advised, together  
with power to examine and cross-examine witnesses called before the said Committee.

And your Petitioner, as in duty bound, will ever pray

Dated this twenty-ninth day of September, one thousand nine hundred and three.

JOSEPH DAVIS.

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1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MURRUMBIDGEE NORTHERN WATER SUPPLY AND IRRIGATION BILL.

(PETITION FROM WALTER ALEXANDER MACPHERSON, OF PAIKA, AND OTHERS, PRAYING TO BE REPRESENTED BY COUNSEL OR SOLICITOR BEFORE SELECT COMMITTEE.)

*Received by the Legislative Assembly, 10 November, 1903.*

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

The humble Petition of Walter Alexander Macpherson, of Paika, the English Scottish and Australian Bank, Limited, of Sydney, Wilson Ronald, of Nap Nap, the Australian Mortgage Land and Finance Company, Limited, of Sydney, William James Campbell, of Newmarket, Hay, Henry Lewis Harben, of Balranald, John Bennett, of Oxley.

RESPECTFULLY AND HUMBLY SHOWETH:—

1. That a Bill was introduced into your House at the instance of Robert Gibson, to enable the said Robert Gibson to construct a storage reservoir by means of a dam across the Murrumbidgee River.

2. That such Bill has been referred to a Select Committee by your Honorable House for consideration and report.

3. That your Petitioners are desirous of being represented before such Select Committee.

4. Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to grant them permission to appear before the said Select Committee by solicitor or counsel, and, if necessary, to adduce such evidence and send for such persons and papers as your Petitioners may be advised, together with power to examine and cross-examine witnesses called before the said Committee.

And your Petitioners, as in duty bound, will ever pray.

W. A. MACPHERSON.

The English, Scottish and Australian Bank, Limited, by its Attorney,  
C. W. WREN.

JOHN BENNETT.

H. L. HARBEN.

For the Australian Mortgage Land and Finance Company, Limited,  
EDWARD KENDALL, Secretary.  
WILLIAM JAMES CAMPBELL.  
R. WILSON RONALD.





1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

PRESBYTERIAN CHURCH PROPERTY CONSOLIDATION BILL.

(PETITION FROM THE PRESBYTERIAN LAY ASSOCIATION, AGAINST.)

*Received by the Legislative Assembly, 17 November, 1903.*

PETITION from the Presbyterian Lay Association, in the State of New South Wales, praying that the House may not pass the Bill.

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

The Petition of the undersigned, members of the Presbyterian Lay Association,—

HUMBLY SHOWETH:—

1. That the Presbyterian Lay Association consists of members and adherents of many Presbyterian Churches, in connection with the Presbyterian Church of Australia, in the State of New South Wales, some of whom are members of the Presbyterian General Assembly.

2. That "A Bill to consolidate the Acts regulating the temporal affairs of the Presbyterian Church of Australia, in the State of New South Wales, and to amend the same" was considered at a special meeting of the Association, when it was resolved, by a large majority, to use all legitimate means to oppose the passing of the said Bill.

3. That the said Bill proposes to remove the existing trustees of the various Presbyterian Church properties throughout the State of New South Wales, without having first obtained the consent of the congregation concerned.

4. That the said Bill is not in accordance with the Draft Bill sent down to Presbyteries for approval, in accordance with the Barrier Act, inasmuch as, per Blue Book of 1902 of the Presbyterian Church, page 106, clause II provides for the consent of the congregation being obtained to certain matters, whereas the Bill before your Honorable House omits this provision, and which has been acknowledged under oath by the solicitor for the Bill, before the Legislative Council's Select Committee on the Bill, by his answers to questions 31 to 48 of the printed evidence.

5. That under clause 6 of the Bill, notwithstanding the twelve months' notice, it gives power to the General Assembly of the Presbyterian Church to make such regulations as they please, and by the proposed regulation, No. 12, it is imperative for the congregations to obey the instructions of the proposed new trustees, which is contrary to the basis of union of the Presbyterian Churches of 1865, wherein the rights of the congregations were fully conserved by Act of Parliament, assented to on 12th day of May of that year, and the same clause further gives power to the General Assembly to frame further regulations as would silence a congregation in respect to the property for which they have subscribed.

6. That under clause 8 of the Bill, lines 32 to 36, power is given to the General Assembly, without the consent of the subscribers to various church properties or the congregation, to alter the different trusts, which will not be an encouragement or security to many who may subscribe to the various churches for a specific object.

7. That whereas by the preamble it is declared "That it is expedient to vest the whole of the properties of the Presbyterian Church into one body of trustees," clause 16 of the said Bill exempts Maitland East and Maitland West, which, in conjunction with clause 3, is inequitable and unjust to other congregations.

Your Petitioners, therefore, humbly pray that your Honorable House may be pleased to refrain from passing the said Bill into law at the present time, or taking any steps to change the existing laws relating to the management of the properties of the Presbyterian Churches, before making full inquiry into the various trusts of the Presbyterian Church properties, or before obtaining the consent of the various congregations concerned and affected by the said Bill.

And your Petitioners, as in duty bound, will ever pray.

Signed, by request and on behalf of the Presbyterian Lay Association.

ALEX. LUTTON,  
President, Presbyterian Lay Association.  
W. MCBURNEY,  
Secretary, Presbyterian Lay Association.



1903.

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LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

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REPORT FROM THE SELECT COMMITTEE  
ON THE  
SYDNEY HARBOUR COLLIERIES (LIMITED) BILL;  
TOGETHER WITH THE  
PROCEEDINGS OF THE COMMITTEE,  
AND  
MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
10 *November*, 1903.

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SYDNEY: WILLIAM APPLIGATE GULLICK, GOVERNMENT PRINTER.

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1903.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE  
LEGISLATIVE ASSEMBLY.

VOTES No. 28. WEDNESDAY, 19 AUGUST, 1903.

6. SYDNEY HARBOUR COLLIERIES (LIMITED) BILL (*Formal Motion*):—Mr. Garland moved, pursuant to Notice,—
- (1.) That the Sydney Harbour Collieries (Limited) Bill be referred to a Select Committee for consideration and report.
  - (2.) That such Committee consist of Mr. Crick, Mr. Wood, Mr. Law, Mr. John Storey, Mr. Nobbs, Mr. Cohen, Mr. Fleming, and the Mover.
- Question put and passed.

VOTES No. 34. WEDNESDAY, 2 SEPTEMBER, 1903.

4. SYDNEY HARBOUR COLLIERIES (LIMITED) BILL:—Mr. John Storey presented a Petition from Mort's Dock and Engineering Company (Limited), representing that the House had appointed a Select Committee to inquire into and report upon the Sydney Harbour Collieries (Limited) Bill, and praying to be represented by counsel or attorney before such Committee, with the right to call, examine, and cross-examine witnesses.
- Petition received.

VOTES No. 66. TUESDAY, 10 NOVEMBER, 1903.

3. SYDNEY HARBOUR COLLIERIES (LIMITED) BILL:—Mr. Garland, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report this Bill was referred on 19th August, 1903, together with a copy of the Bill as amended and agreed to by the Committee.
- Ordered to be printed.
- Mr. Garland then moved, That the Bill be read a second time on Thursday next.
- Question put and passed.

CONTENTS.

	PAGE.
Extracts from the Votes and Proceedings .....	2
Report .....	3
Proceedings of the Committee.....	4
Schedule of Amendments.....	5
List of Witnesses .....	5
Minutes of Evidence .....	6

1903.

**SYDNEY HARBOUR COLLIERIES (LIMITED) BILL.**

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**REPORT.**

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THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on 19th August, 1903, the "*Sydney Harbour Collieries (Limited) Bill*,"—beg to report to your Honorable House:—

That they have examined the witnesses named in the List\* (whose See List, page 5. evidence will be found appended hereto), and considered the Bill referred to them, in which it has been deemed necessary to make certain amendments.

Your Committee now beg to lay before your Honorable House the Bill as amended by them.

JOHN GARLAND,  
Chairman.

No. 1 Committee Room,  
Legislative Assembly,  
4th November, 1903.

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1903.

## PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 2 SEPTEMBER, 1903.

MEMBERS PRESENT:—

Mr. Garland,  
Mr. Law,Mr. Cohen,  
Mr. John Storey.

Mr. Garland called to the Chair.

Entry from Votes and Proceedings appointing the Committee, *read* by the Clerk.Printed copies of the Bill *referred*, together with original Petition to introduce the same, before the Committee.Present:—E. P. Simpson, Esq. (*representing Messrs. Minter, Simpson, & Co., Solicitors for the Bill*).John Livingston Campbell Rae (*Manager of the "Sydney Harbour Collieries, Limited"*) called in, sworn, and examined.Witness *produced* a Certificate of Incorporation of the "Sydney Harbour Collieries, Limited"; also, copy of Memorandum and Articles of Association of same; also, *six* permits for the Sydney Harbour Collieries, Limited, to mine for coal; also, Map of the Municipality of Balmain, and Map of East Coast of Port Jackson.

Witness withdrew.

Committee deliberated.

[Reassembling of Committee to be arranged by Chairman.]

WEDNESDAY, 21 OCTOBER, 1903.

MEMBERS PRESENT:—

Mr. Garland in the Chair.

Mr. Fleming,

Mr. Nobbs.

Clerk *read* Entry from Votes and Proceedings granting leave to Mort's Dock and Engineering Company (Limited) to be represented by Counsel before the Committee.Present:—E. P. Simpson, Esq. (*representing Messrs. Minter, Simpson, & Co., Solicitors for the Bill*), R. Broomfield, Esq. (*instructed by Messrs. Ourtiss and Barry*) appeared for Mort's Dock and Engineering Company (Limited).Alfred Ashley Atkinson (*Chief Inspector of Collieries in New South Wales*) called in, sworn, and examined.

Witness withdrew.

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

FRIDAY, 23 OCTOBER, 1903.

The House having adjourned till Tuesday next, no meeting could be held.

TUESDAY, 3 NOVEMBER, 1903.

MEMBER PRESENT:—

Mr. Garland.

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

WEDNESDAY, 4 NOVEMBER, 1903.

MEMBERS PRESENT:—

Mr. Garland in the Chair.

Mr. Nobbs,  
Mr. Law,Mr. Fleming,  
Mr. John Storey.

Present: E. P. Simpson, Esq., Solicitor, appeared for the Bill; G. J. Barry, Esq., Solicitor, appeared for Mort's Dock and Engineering Company (Limited).

Room

Room cleared  
 Preamble considered.  
 Question, "That this Preamble stand part of the Bill,"—put and passed.  
 Parties called in and informed.  
 Bill considered.  
 Clause 1 read, amended\* and *agreed to*.  
 Clauses 2 to 17 read and *agreed to*.  
 New clause to stand clause 3 of the Bill read and *agreed to*.  
 New clause to stand clause 4 of the Bill read and *agreed to*.  
 Title read and *agreed to*.  
 Chairman to report the Bill as amended to the House.

\* See Schedule  
 I Amendments.

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#### SCHEDULE OF AMENDMENTS.

- Page 4, clause 1, line 33. *Omit* "about twenty" *insert* "not more than thirty"
- Page 4, clause 1, line 36. *After* "feet" *insert* "Provided that it shall be lawful to drive cut-throughs between the two headings at a distance of about seventy yards apart for ventilation purposes, the maximum width of same to be eight feet":
- Page 5. *Insert* the following new clause, to stand as clause 3 :—3. No mining operations shall be carried on, permitted, or suffered, nor any excavations made, permitted or suffered by the Sydney Harbour Collieries (Limited), or any such person or corporation aforesaid, or by the successors, lessees, tenants, or assigns of the Sydney Harbour Collieries (Limited), or by the successors, lessees, tenants, or assigns of any such person or corporation, or any person on their or either of their behalf under the waters of Mort's Bay within the area comprised between the foreshores and an imaginary line drawn from the present ferry wharf at Yeend-street and Ronald-street to the present ferry wharf at Thames-street; nor shall any mining operations be carried on, permitted, or suffered as aforesaid, or excavations made permitted or suffered as aforesaid within a radius of 300 yards from the centre of the mouth of the Woolwich Dock, Woolwich." Mining operations prohibited within certain limits.
- Page 5. *Insert* the following new clause, to stand as clause 4 :—4. It shall not be lawful for the Sydney Harbour Collieries (Limited), or any such person or corporation, or such successors, lessees, tenants, and assigns aforesaid, or any person on their or either of their behalf to use any explosive of any description whatsoever in carrying out the work in connection with the said headings immediately under any portion of the property belonging to Mort's Dock and Engineering Company Limited." Explosives not to be used within certain limits.

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#### LIST OF WITNESSES.

	PAGE
Alfred Ashley Atkinson.....	8
Rae, John Livingston Campbell .....	6

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1903.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

## THE SYDNEY HARBOUR COLLIERIES (LIMITED) BILL.

WEDNESDAY, 2 SEPTEMBER, 1903.

Present:—

Mr. J. J. COHEN,

Mr. S. J. LAW.

Mr. J. STOREY,

J. GARLAND, ESQ., IN THE CHAIR.

Mr. E. P. Simpson, Solicitor, appeared on behalf of the Sydney Harbour Collieries (Limited).

John Livingston Campbell Rae, Manager of the Sydney Harbour Collieries (Limited), sworn and examined:—

1. *Mr. Simpson.*] Is the Sydney Harbour Collieries (Limited) a company incorporated in this State? Yes; I produce the certificate of incorporation.
2. The Company is the owner of certain permits to mine in the harbour? Yes.
3. In number, how many? Six. I produce the permits.
4. In addition to those permits, is the Company not entitled to the freehold of certain land situated at Balmain, having a frontage to the water? Yes.
5. Are shafts sunk on that freehold? Yes.
6. How many shafts have been sunk? Two; one shaft is absolutely completed, and the other partly completed.
7. What are the shafts called? The Birthday and Jubilee shafts.
8. How far is the Jubilee shaft down? 250 feet, and the Birthday shaft is 2,937 feet down.
9. Is the object of this Bill to facilitate the working of the Company's property in conjunction with those shafts? Yes.
10. And to do that, they have to cross certain roads and go under certain private property? Yes.
11. How many men do you employ? At present we are employing between thirty and forty men in sinking in No. 2 shaft—that is, three shifts of twelve men each during the twenty-four hours—and on the surface probably twenty more. Our daily wages-sheet amounts to over £25 at present.
12. When you have made this connection, and you are putting out coal to the extent which you anticipate, how many men will probably be employed? I reckon that we will be paying in wages, when we are fully equipped, from £1,500 to £2,000 per week, and that we will pay to the Crown in royalty over £10,000 a year.
13. The royalty is 6d. per ton? 6d. per ton on large, and 3d. per ton on small coal. I produce the memorandum and articles of association of the Sydney Harbour Collieries (Limited), and an agreement between the old Sydney Harbour Collieries (Limited), and the new Sydney Harbour Collieries (Limited).
14. Have you started making those drives which are indicated in paragraph 1 of the Bill? No.
15. Your reason for not having started, I presume, is, that you have not got the statutory authority? That is so.



Witness—J. L. C. Rao, 2 Sept., 1903.

16. So that I take it, that matters are practically at a standstill until the statutory permission is given to make the drives under the private lands and under the roads which have to be crossed? As far as the drives are concerned, yes.
17. Have you a plan showing the direction of the drives indicated in paragraph 1 of the Bill? Yes; I produce the plan.
18. How many roads have to be crossed? Birchgrove-road, Spring-street, Thomas-street, Gipps-street, Rowntree-street, Cameron-street, Short-street, Bay-street; then under Mort's Dock and under Yeend-street, Ronald-street, and then under Goat Island towards Cremorne.
19. Is it essential for the economical working of the colliery that those drives should be as straight as they can possibly be made? Yes.
20. With regard to the height from the surface, would you tell the Committee the depth at which you will be working? The depth to the top of the coal seam from the mouth of the shaft is 2,380 feet. The mouth of the shaft is 80 feet above low-tide level; in other words, the depth to the top of the coal seam is 2,800 feet below low-tide level.
21. What will be the height of the drive? In the Bill we have provided for a maximum height of 10 feet, but it is not likely we should ever want a drive as high as that. It would probably be 7 or 8 feet.
22. Could there be any possible danger to the surface by making a drive at that depth below the surface? No.
23. Have you a plan, showing the comparative size of the drive and the depth of the superstructure? Yes; I produce it.
24. What is the nature of the superstructure? It is entirely composed of rock. Practically the first 1,000 feet is Hawkesbury sandstone, and below that we get to sandstone and shale. The sandstone is so dense that it is actually being used by the Balmain, Waterloo, and Hunter's Hill Councils for making roads.
25. Having regard to all those facts, the possibility of any subsidence in consequence of these small drives being made is as remote as you could imagine anything to be? I feel sure it is impossible.
26. Do you know the Metropolitan Mine, near Helensburgh? Yes.
27. At what depth are they working there? Their shaft is about 1,050 feet deep.
28. And the railway from Sydney to Wollongong intersects their property? Yes.
29. They have driven under that railway line? Yes.
30. In more than one place? Yes, in several places.
31. And at a depth of 1,100 feet? Well, their shaft is about 1,050 feet deep, but I could not swear as to the absolute thickness between the shaft and the railway line.
32. At any rate it is not one-half the depth of this? No, it is not.
33. *Chairman.*] There has been no trouble in consequence of this drive? No.
34. What is the extent of the coal-fields which the Company have at Cremorne? It has practically the whole of Sydney Harbour—over 10,000 acres.
35. What amount has the Company already spent in sinking these two shafts, and other works? In shaft-sinking, making a quay, deepening the water for vessels to come alongside the pits, providing machinery, and so forth, the Company has, up to the present, spent about £115,000. When completed, the works will represent an outlay of between £200,000 and £250,000.
36. The Company has been recently reconstructed in London? Yes.
37. And more capital has been provided for carrying out the work of development? Yes.
38. *Mr. Law.*] Does the Company own property at Cremorne? No; we have no land at Cremorne.
39. Did you sink the Cremorne shaft? The original syndicate who sold their rights to the Sydney Harbour Collieries (Limited) put down a bore at Cremorne, and on account of that bore the name "Cremorne" has been more or less associated with the Company.
40. Practically speaking, you have nothing at all to do with Cremorne? That is so. The Cremorne bore proved the coal to be 10 feet thick.
41. *Chairman.*] Although you have no land at Cremorne, have you not the right to mine under the harbour right up to Cremorne? Yes; as a matter of fact, right down to the Heads—right in Mosman's Bay, and all round Cremorne.
42. *Mr. Law.*] What quantity of coal do you think you will bring to the surface when the mine is in full working order? About 1,600 tons per day.
43. What would be the value of that? Putting it down roughly at 10s. per ton, £800 per day, or £210,000 per annum, on a basis of 300 working days per year. To hew that quantity of coal you would require 400 miners. There would also be employed from eighty to 100 men as day-men, and on the top there would be probably the same number; or, altogether, about 600 men.
44. What area of freehold do you hold at Balmain? About 4 acres.
45. *Chairman.*] What is the distance between the two shafts? Fifty yards.
46. What is the distance in a direct line from those shafts to the extremity of the property at Cremorne? About  $3\frac{1}{4}$  miles.
47. *Mr. Simpson.*] Are the two shafts on freehold property? Yes.
48. Your object is to connect the shafts with the extremity of the property at Cremorne? Yes. I may say that the direction of these drives is such as to keep clear of all other land after passing under Goat Island.
49. *Mr. J. Stacey.*] There is no possibility of the seam rising and bringing you closer to Mort's Dock;—you are bound to keep the average depth all the way? Yes. I will explain the difference in the depth of the seam as between Cremorne and Balmain. From low-tide level there is only a difference of 23 feet between the depth of the seam at Cremorne and at Balmain. At Balmain it is 23 feet deeper than at Cremorne.
50. *Mr. Simpson.*] Is it not provided in the Bill that you cannot make these headings so as to come above a certain point? Yes; the Bill provides that the depth from low-tide level in Sydney Harbour to the floor of the headings is to be not less than 2,700 feet.
51. You must leave 2,700 feet between the surface and the drive? Yes.
52. The drive does not actually go under Mort's Dock itself? No; it passes under the cradle of the slip.

WEDNESDAY,

WEDNESDAY, 21 OCTOBER, 1903.

Present:—

Mr. FLEMING,

Mr. NOBBS.

J. GARLAND, Esq., IN THE CHAIR.

Mr. E. P. Simpson appeared for the Sydney Harbour Collieries (Limited).

Mr. R. Broomfield, with Messrs. Curtiss & Barry, appeared for Mort's Dock and Engineering Company (Limited).

Alfred Ashley Atkinson, Chief Inspector of Coal-mines, sworn and examined:—

53. *Chairman.*] For how many years have you held the position of Chief Inspector of Coal-mines? Six.  
54. Prior to that, what position did you hold? I was manager of the Barrow Collieries, in South Yorkshire.

55. For how many years have you had experience of coal-mining? About twenty-eight.

56. *Mr. Simpson.*] You are aware that the Sydney Harbour Collieries are applying for a Bill to enable them to drive headings from their present shafting underneath Balmain, in the direction of Bradley's Head? Yes.

57. And that in making those drives they will be passing under Mort's dock? Yes.

58. There are two drives, each 12 feet? Yes.

59. Will you tell the Committee whether, at the depth indicated in the Bill, viz., not less than 2,700 feet, there is any danger to the surface from subsidence? Under the conditions stated I think it is impossible.

60. When you say "under the conditions stated," you make that remark having regard to the analysis of the strata—which, I understand, you have seen—which will intervene between the drives and the surface? Yes; I make it, having regard to the depth, the character of the strata, and the fact that it is merely a pair of workings which is being driven.

61. And the danger of subsidence under those circumstances is next door to impossible? I think so.

62. *Mr. Nobbs.*] Have you seen the strata at any other part than the place where they are sinking the shaft? I have seen the analysis of the Cremorne bores.

63. And taking that in conjunction with the strata that you have seen at the other bore, you have formed your opinion? Yes.

64. *Chairman.*] From your knowledge, do you say that there is every probability that the strata that will be passed through in driving the heading will be practically the same as that indicated by the samples which you have examined from those two points? Yes; the strata passed through in the shaft is practically the same as the Cremorne bore, and there is no reason to think that the intervening strata will be in any way different.

1903.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

SYDNEY HARBOUR COLLIERIES (LIMITED) BILL.

(PETITION FROM MORT'S DOCK AND ENGINEERING COMPANY, LIMITED, PRAYING TO BE REPRESENTED BY COUNSEL OR ATTORNEY BEFORE SELECT COMMITTEE ON.)

*Received by the Legislative Assembly, 2 September, 1903.*

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

The humble Petition of Mort's Dock and Engineering Company, Limited,—

RESPECTFULLY AND HUMBLY SHOWETH:—

1. That a Bill has been introduced into your House, at the instance of the Sydney Harbour Collieries, Limited, to enable the said Sydney Harbour Collieries to drive two headings to cross underneath certain public streets and private lands at Balmain, and under the several portions of lands surrounding Goat Island.

2. That such Bill has been referred to a Select Committee appointed by your Honorable House for consideration and report.

3. That your Petitioner is desirous of being represented before such Select Committee.

4. Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to grant them permission to appear before the said Select Committee by Solicitor or Counsel, and, if necessary, to adduce such evidence and send for such persons and papers as your Petitioner may be advised, together with power to examine and cross-examine witnesses called before the said Committee.

And your Petitioner, as in duty bound, will ever pray.

The Common Seal of Mort's Dock and Engineering Company, Limited, was hereto affixed this twenty-eighth day of August, 1903, by the authority of a quorum of the Directors of the said Company previously given, and in the presence of two of the said Directors, whose signatures are hereunto affixed in the presence of—

J. P. FRANKI,  
Manager.

LAIDLEY MORT.  
W. E. MORT.  
KELSO KING.  
LESLEY HERRING.

